



---

# Pakistan: Country Report

The situation in Pakistan

---

18 June 2018 (COI up to 15 March 2018)

*Commissioned by the United Nations High Commissioner for Refugees, Division of International Protection. UNHCR is not responsible for, nor does it endorse, its content. Any views expressed are solely those of the author.*

© Asylum Research Centre, 2018



ARC publications are covered by the Creative Commons License allowing for limited use of ARC publications provided the work is properly credited to ARC, it is for non-commercial use and it is not used for derivative works.

ARC does not hold the copyright to the content of third party material included in this report. Reproduction or any use of the images/maps/infographics included in this report is prohibited and permission must be sought directly from the copyright holder(s).

Please direct any comments to [info@asylumresearchcentre.com](mailto:info@asylumresearchcentre.com)

Cover photo: © Blackspring/shutterstock.com

## CONTENTS

[Explanatory Note](#)

[Sources and databases consulted](#)

[List of Acronyms](#)

[1. Recent Developments](#)

[1.1 Overview of current socio-economic situation](#)

[1.2 Overview of current humanitarian situation](#)

[1.2.1 Humanitarian situation faced by IDPs](#)

[1.3 Overview of current political situation](#)

[2. Non-state armed actors and militant groups](#)

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties](#)

[3.1 Punjab](#)

[3.1.1 Non-state armed actors operating in Punjab](#)

[3.2 Khyber Pakhtunkhwa](#)

[3.2.1 Non-state armed actors operating in Khyber Pakhtunkhwa](#)

[3.3 Balochistan](#)

[3.3.1 Non-state armed actors operating in Balochistan](#)

[3.4 Sindh](#)

[3.4.1 Non-state armed actors operating in Sindh](#)

[3.5 Federally Administered Tribal Areas \(FATA\)](#)

[3.5.1 Non-state armed actors operating in FATA](#)

[3.6 Islamabad Capital Territory \(ICT\)](#)

[3.6.1 Non-state armed actors operating in ICT](#)

[3.7 Azad Kashmir and Gilgit-Baltistan](#)

[3.7.1 Non-state armed actors operating in Azad Kashmir and Gilgit-Baltistan](#)

[4. Overview of human rights abuses by non-state armed groups](#)

[4.1 Occupying humanitarian space and forced recruitment](#)

[4.2 Forced displacement](#)

[4.3 Land confiscations](#)

[4.4 Arbitrary taxation and extortion](#)

[4.5 Attacks on education](#)

[4.6 Abductions and kidnappings](#)

[4.7 Politically motivated attacks on individuals](#)

[4.7.1 Government officials](#)

[4.7.2 Police and security forces](#)

[4.7.3 Polio vaccination workers and their police escorts](#)

[4.7.4 Journalists](#)

[4.7.5 Other targets of attacks](#)

[5. State Security Forces](#)

- [5.1 Recent anti-terrorist measures or developments](#)
- [5.2 Death penalty](#)
- [5.3 Unlawful use of force](#)
  - [5.3.1 Extrajudicial killings](#)
  - [5.3.2 Torture and other forms of ill-treatment and abuse](#)
  - [5.3.3 Enforced disappearances](#)
  - [5.3.4 Unlawful use of violence and harassment](#)
- [5.4 Arbitrary detention and prison conditions](#)
- [5.5 Forced and/or underage recruitment](#)
- [5.6 Corruption of state security forces](#)
- [6. Rule of Law and administration of justice](#)
  - [6.1 Recent legislative developments](#)
  - [6.2 Criminal justice system](#)
  - [6.3 Judicial independence](#)
  - [6.4 Corruption in the judicial system](#)
  - [6.5 Access to justice](#)
    - [6.5.1 Fair trial](#)
    - [6.5.2 Due process and procedural guarantees](#)
    - [6.5.3 Legal representation](#)
    - [6.5.4 Legal remedies](#)
- [7. Situation of women](#)
  - [7.1 Societal perception/attitudes](#)
  - [7.2 \(Basic\) socio-economic rights](#)
    - [7.2.1 Access to health care](#)
      - [7.2.1.1 Reproductive rights](#)
    - [7.2.2. Access to education](#)
    - [7.2.3. Access to employment](#)
  - [7.3 Violence against women, including sexual and gender-based violence](#)
    - [7.3.1 Rape and other forms of SGBV outside the home](#)
    - [7.3.2 Domestic violence \(including marital rape\)](#)
    - [7.3.3 Acid attacks](#)
    - [7.3.4. State response to sexual and gender-based violence](#)
    - [7.3.5 Women's access to justice](#)
  - [7.4 Harmful traditional practices](#)
    - [7.4.1 Honour killings](#)
    - [7.4.2. FGM/C](#)
    - [7.4.3. Underage and forced marriage](#)
  - [7.5 Trafficking of women](#)
  - [7.6 Bonded/forced labour](#)
  - [7.7 Political participation and engagement in public roles](#)

7.8 Other forms of discrimination (incl. property ownership rights)

8. Situation of children

8.1 Access to education

8.2 Violence against children

8.2.1 Juvenile executions

8.2.2 Physical violence

8.2.3. Sexual violence/exploitation

8.3 (Female) infanticide

8.4 Birth registration

8.5 Trafficking of children / child labour / sale of children / debt bondage

8.6 Child abductions

9. Treatment of individuals of diverse SOGI

10. Treatment of persons with disabilities

11. Treatment of ethnic minority groups

12. Treatment of (actual and perceived) political opponents

13. Treatment of journalists, other media professionals and media organisations

14. Treatment of human rights defenders and civil society organisations

15. Treatment of internally displaced persons

## Explanatory Note

This report presents country of origin information (COI) on Pakistan from September 2016 up to 15<sup>th</sup> March 2018 on issues identified by UNHCR to be of relevance in refugee status determination for Pakistani nationals not including the Pakistan-administered Kashmir region. COI specifically relevant for the assessment of religion-based claims has not been included. For information on this, see:

- ❖ UNHCR – UN High Commissioner for Refugees, [UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan](#), January 2017

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. It should be understood that as elucidated by Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan in a presentation for an October 2017 EASO COI meeting:

[...] please note that if you follow the media or the press in Pakistan, you cannot truly understand Pakistan because there are many areas and subjects which are no-go areas. There are topics and issues that don't get the coverage that they should, sometimes because there are no resources because of the media's own constraints, but often because of pressure from all sides - State pressure, militancy pressure and extremism pressure. A couple of newspapers, for example, have been unofficially banned in military cantonments in the country. That is something not discussed publicly, but there are a range of issues and pressures that exist in Pakistan that a reader may not necessarily get a sense of just by consuming media coverage in the country.<sup>1</sup>

A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on **events** after September 2016 (and post the publication of Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Pakistan: COI Compilation](#), 31 August 2016), and all sources were accessed between March and May 2018. It should be borne in mind that the situation in Pakistan is volatile and fast-changing and thus the information presented here may have been superseded by more recent events.

The following annual reports which post-date the cut-off point have been included given that they address events in 2017 and in light of their relevance to the issues addressed in this report:

- ❖ Sahil, [Cruel Numbers 2017](#), 25 March 2018
- ❖ Action on Armed Violence, [The Burden of Harm: Monitoring Explosive Violence in 2017](#), 12 April 2018
- ❖ Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018
- ❖ U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **This report is not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

---

<sup>1</sup> EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1. Overview of the current political and security situation in Pakistan p.16

## Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

### Databases

[Asylos's Research Notes](#)  
[EASO COI Portal](#)  
[European Country of Origin Information Network \(ECOI\)](#)  
[Relief Web](#)  
[UNHCR Refworld](#)

### Sources

[28 too Many](#) [FGM]  
[76 Crimes](#) [LGBT]  
[Acid Survivors Foundation, Pakistan](#)  
[Al Jazeera](#)  
[Alif Ailaan/SDPI - Sustainable Development Policy Institute](#)  
[Amnesty International](#) [Pakistan pages]  
[Armed Conflict Location & Event Date Project \(ACLED\)](#)  
[Article 19](#) [Freedom of expression and information]  
[Asia Foundation](#)  
[Asia-Pacific Development Center on Disability](#)  
[Asia Society](#)  
[Asian Human Rights Commission](#) [Pakistan pages]  
[Asian Legal Resource Centre](#)  
[Assessment Capacities Project](#) [Pakistan pages]  
[Association for the Prevention of Torture](#)  
[Atlas of Torture](#)  
[Aurat Foundation](#)  
[Brookings Institution Afghanistan Index](#) (includes selected data on Pakistan)  
[Carnegie Endowment for International Peace](#)  
[Center for Research & Security Studies \(CRSS\) – Pakistan Conflict Tracker](#)  
[Central Asia-Caucasus Institute](#)  
[Centre for Security Governance](#)  
[Centre for Strategic and International Studies](#)  
[Child Protection Hub](#)  
[Child Rights International Network](#)  
[Child Soldiers International](#)  
[CHR Michelsen Institute](#)  
[CIA World Factbook](#) [Pakistan pages]  
[Combatting Terrorism Center](#)  
[Committee to Protect Journalists](#) [Pakistan pages]  
[Conciliation Resources](#)  
[Council on Foreign Relations – Global Conflict Tracker](#)  
[Countering Violent Extremism Monitor \(Pakistan\)](#)  
[Dawn](#) [Karachi-based, largest-circulation English-language daily]  
[Death Penalty Worldwide \(Cornell Law School\)](#)  
[Defence for Children](#)

[Doctors Without Borders](#)  
[The Economist Intelligence Unit](#) [Pakistan pages]  
[Edge Media Network \[LGBT\]](#)  
[Education International](#)  
[Eldis](#)  
[Equal Rights Trust](#)  
[Express Tribune](#)  
[FATA Research Centre](#)  
[Foreign Affairs \(published by Council on Foreign Relations\)](#)  
[Freedom House](#)  
[Fund for Peace – Fragile States Index 2017](#)  
[Gay Star News](#)  
[GlobalSecurity.org](#)  
[Governance Social Development Humanitarian Conflict \(GSDRC\)](#)  
[Hands off Cain](#) [Pakistan pages]  
[Heidelberg Institute for International Conflict Research](#)  
[Hot Peach Pages](#) [DV]  
[Hudson Institute](#)  
[Human Rights Commission of Pakistan](#)  
[Human Rights Watch](#) [Pakistan pages]  
[Humanity & Inclusion](#)  
[Immigration and Refugee Board of Canada](#)  
[Institute for Economics & Peace – Global Peace Index 2017](#)  
[Institute for the Study of War](#)  
[Institute for War and Peace Reporting](#)  
[Institute of Peace and Conflict Studies](#)  
[Integrated Regional Information Networks \(IRIN\)](#) [Pakistan pages]  
[Internal Displacement Monitoring Centre](#)  
[International Alert](#)  
[International Bar Association](#)  
[International Centre for Prison Studies](#)  
[International Commission of Jurists](#)  
[International Committee of the Red Cross \(ICRC\)](#) [Pakistan pages]  
[International Crisis Group](#) [Pakistan pages]  
[International Disability Alliance](#)  
[International Federation for Human Rights](#) [Pakistan pages]  
[International Federation of Journalists](#)  
[International Freedom of Expression Exchange](#)  
[International Institute for Strategic Studies](#)  
[International Labour Organisation \(ILO\)](#) [Country Office for Pakistan]  
[International Lesbian, Gay, Bisexual and Trans and Intersex Association](#)  
[International Organization for Migration](#)  
[International Rehabilitation Council for Torture Victims](#)  
[International Rescue Committee](#)  
[Inter Press Service](#)  
[IPI Global Observatory](#)  
[IRIN news](#)  
[The Jamestown Foundation](#) [South Asia pages]  
[Justice Project Pakistan](#)  
[Kaleidoscope Trust](#) [LGBT]  
[Landmine & Cluster Munition Monitor](#)



[Leonard Cheshire International](#)  
[Long War Journal](#)  
[Medecins Sans Frontieres/Doctors Without Borders](#) [Pakistan pages]  
[Minority Rights Group International](#)  
[Movement for Solidarity & Peace](#)  
[National Assembly of Pakistan](#)  
[National Consortium for the Study of Terrorism and Responses to Terrorism \(START\) – Global Terrorism Database \(GTD\)](#)  
[National Counter Terrorism Authority Pakistan](#)  
[The Nation](#) [Lahore-based, English-language daily]  
[The News](#) [English-language daily, published by Jang group]  
[OECD's Social Institutions & Gender Index](#)  
[Open Society Foundations](#)  
[Orchid Project \[FGM\]](#)  
[Organization for Refuge, Asylum & Migration \(ORAM\)](#)  
[Out Right Action International](#)  
[Overseas Development Institute \(ODI\)](#)  
[Pakistan Institute for Conflict and Peace Studies](#)  
[Pakistan Institute for Legislative Development and Transparency](#)  
[PAK Institute for Peace Studies \(PIPS\) - Internal security](#)  
[Pakistan Press Foundation](#)  
[Pakistan Red Crescent Society](#)  
[Peace Women](#)  
[Penal Reform International](#)  
[Physicians for Human Rights](#)  
[Pink News](#) [LGBT]  
[Protection Cluster Pakistan](#)  
[Radio Free Europe/Radio Liberty](#) [Pakistan pages]  
[Reporters Without Borders](#) [Pakistan pages]  
[Right to Education](#)  
[Saferworld](#)  
[Sahil](#)  
[Save the Children](#) [Pakistan pages]  
[Senate of Pakistan](#)  
[Sexual Rights Initiative](#) [LGBT]  
[Shirkat Gah Women's Resource Centre](#)  
[Small Arms Survey](#)  
[Society for the Protection of the Rights of the Child](#)  
[South Asia Terrorism Portal \(SATP\)](#)  
[Stop FGM Now](#)  
[Their World](#)  
[Transparency International](#)  
[United Nations Children's Fund \(UNICEF\)](#) [Pakistan pages]  
[United Nations Committee Against Torture](#)  
[United Nations Committee on Economic, Social and Cultural Rights](#)  
[United Nations Committee on the Elimination of Discrimination Against Women](#)  
[United Nations Committee on Enforced Disappearances](#)  
[United Nations Committee on the Rights of the Child](#)  
[UN Committee on the Rights of Persons with Disabilities](#)  
[United Nations Development Programme \(UNDP\)](#) [Pakistan pages]  
[United Nations High Commissioner for Refugees \(UNHCR\)](#)

[United Nations Human Rights Council](#)  
[United Nations Human Settlements Programme \(UNHABITAT\)](#)  
[United Nations News Centre](#)  
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\)](#)  
[United Nations Office on Drugs and Crime \(UNODC\)](#)  
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)  
[United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict](#)  
[United Nations Population Fund \(UNPFPA\)](#)  
[United Nations Secretary General](#)  
[United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)  
[United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions](#)  
[United Nations Special Rapporteur on extreme poverty and human rights](#)  
[United Nations Special Rapporteur on freedom of religion or belief](#)  
[United Nations Special Rapporteur on the Independence of Judges and Lawyers](#)  
[United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#)  
[United Nations Special Rapporteur on the right to education](#)  
[United Nations Special Rapporteur on the sale of children, child prostitution and child pornography](#)  
[United Nations Special Rapporteur on the situation of human rights defenders](#)  
[United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)  
[United Nations Special Rapporteur on trafficking in persons, especially in women and children](#)  
[United Nations Special Rapporteur on violence against women, its causes and consequences](#)  
[United Nations Women](#)  
[United Nations World Food Programme \(WFP\)](#)  
[United States Congressional Research Service](#)  
[United States Department of State](#)  
[United States Institute of Peace](#)  
[Uppsala Universitet – UCDP Conflict Encyclopedia](#)  
[Walk Free Foundation > The 2016 Global Slavery Index](#)  
[Watchlist on Children and Armed Conflict](#)  
[World Organisation Against Torture \(OMCT\)](#)  
[World Prison Brief](#)  
[Women Living Under Muslim Laws](#)  
[Women News Network \(WNN\)](#)  
[Women's Refugee Commission](#)  
[Women Under Siege Project](#)  
[World Bank](#) [Pakistan pages]

## List of Acronyms

<b>AACPR</b>	Actions (in Aid of Civil Power) Regulations
<b>AHRC</b>	Asian Human Rights Commission
<b>AHTC</b>	Anti Human Trafficking Cell
<b>ANP</b>	Awami National Party
<b>APC</b>	All Parties Conference
<b>AQ</b>	Al-Qaeda
<b>AQIS</b>	Al Qaida in the Indian Subcontinent; militant group
<b>ART</b>	Al-Rehmat Trust
<b>ASWJ</b>	Ahl-e-Sunnat-wal-Jamaat
<b>BLA</b>	Balochistan Liberation Army
<b>BLF</b>	Balochistan Liberation Front
<b>BMDA</b>	Baloch Musallah Difa Army
<b>BNM</b>	Baloch National Movement
<b>BNP</b>	Balochistan National Party
<b>BRA</b>	Baloch Republican Army
<b>CCP</b>	Code of Criminal Procedure
<b>CIED</b>	Commission of Inquiry on Enforced Disappearances
<b>CIMP</b>	Commission of Inquiry for Missing Persons
<b>CNIC</b>	Computerized National Identity Card
<b>COI</b>	Country of Origin Information
<b>CPI</b>	Consumer Price Index
<b>CSO</b>	Civil Society Organisation
<b>CTD</b>	Counter Terrorism Department
<b>DIG</b>	Deputy Inspector General
<b>ECL</b>	Exit Control List
<b>ECP</b>	Election Commission of Pakistan
<b>FATA</b>	Federally Administered Tribal Areas
<b>FC</b>	Frontier Corps
<b>FCR</b>	Frontier Crimes Regulation
<b>FDMA</b>	Disaster Management Authority
<b>FIA</b>	Federal Investigation Agency
<b>FIR</b>	First Instance Report
<b>FOP</b>	Federal Ombudsman of Pakistan
<b>FSC</b>	Federal Shariat Court
<b>GBV</b>	Gender Based Violence
<b>GDP</b>	Gross Domestic Product
<b>GHI</b>	Global Hunger Index
<b>HDI</b>	Human Development Index
<b>HQN</b>	Haqqani Network
<b>HRCP</b>	Human Rights Commission of Pakistan
<b>IB</b>	Intelligence Bureau
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICT</b>	Islamabad Capital Territory
<b>IDP</b>	Internally Displaced Person
<b>IFES</b>	International Foundation for Electoral Systems
<b>ILO</b>	International Labour Organisation
<b>IMU</b>	Islamic Movement of Uzbekistan
<b>IPC</b>	Integrated Food Security Phase Classification
<b>IPS</b>	Inter Press Service

<b>IRA</b>	Industrial Relations Act
<b>IRO</b>	Industrial Relations Ordinance
<b>IS</b>	Islamic State
<b>ISI</b>	Inter-Services Intelligence
<b>JeM</b>	Jaish-e Mohammed ('the army of Mohammed')
<b>JJSO</b>	Juvenile Justice System Ordinance
<b>JSMM</b>	Jeay Sindh Muttahida Mahaz
<b>JSQM</b>	Jeay Sindh Qaumi Mahaz
<b>JuA</b>	Jamaat- ul- Ahrar
<b>JuD</b>	Jamat ud-Dawa
<b>JUI-F</b>	Jamiat Illema-e-Islam (Fazlur Rehman group)
<b>KP/KPK</b>	Khyber Pakhtunkhwa
<b>LEAs</b>	Law Enforcement Authorities
<b>LeB</b>	Lashkar-e-Balochistan
<b>LeJ</b>	Lashkar-e-Jhangvi
<b>LeT</b>	Lashkar-e-Taiba
<b>MDG</b>	Millennium Development Goal
<b>MLCs</b>	Medico Legal Certificates
<b>MMR</b>	Maternal Mortality Ratio
<b>MPI</b>	Multidimensional Poverty Index
<b>MQM</b>	Muttahida Qaumi Movement
<b>NA</b>	National Assembly
<b>NADRA</b>	National Database Registration Authority
<b>NAP</b>	National Action Plan
<b>NCJP</b>	National Commission on Justice and Peace
<b>NPP</b>	National People's Party
<b>PAT</b>	Pakistan Awami Tehreek
<b>PATA</b>	Provincially Administered Tribal Areas
<b>PEMRA</b>	Pakistan Electronic Media Regulatory Authority
<b>PIPS</b>	PAK Institute for Peace Studies
<b>PML-F</b>	Pakistan Muslim League - Functional
<b>PML-N</b>	Pakistan Muslim League – Nawaz
<b>PML-Q</b>	Pakistan Muslim League – Quai-e-Azam
<b>PPA</b>	Protection of Pakistan Act
<b>PPC</b>	Pakistani Penal Code
<b>PPO</b>	Protection of Pakistan Ordinance
<b>PPP</b>	Pakistan People's Party
<b>PTI</b>	Pakistan Tehreek-e-Insaf
<b>SATP</b>	South Asia Terrorism Portal
<b>SDG</b>	Sustainable Development Goal
<b>SF</b>	Security Forces
<b>SPARC</b>	Society for the Protection of the Rights of the Child
<b>SSP</b>	Sipah-e-Sahaba Pakistan
<b>TLY</b>	Tehreek-i- Labaik Ya Rasool Allah
<b>TTP</b>	Tehrik-e Taliban Pakistan
<b>UBA</b>	United Baloch Army
<b>UNDP</b>	United Nations Development Programme
<b>UNCAT</b>	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>UNODC</b>	UN Office on Drugs and Crime
<b>VAW</b>	Violence Against Women

## 1. Recent Developments

### 1.1 Overview of current socio-economic situation

In a 2016 report Transparency International Pakistan provided an overview of the socio-economic situation in the country stating that “Socio-economically, Pakistan is a struggling country facing lack of basic facilities and services like jobs, health and education. Unemployment rate in Pakistan decreased to 5.90 percent in 2015 which does not reflect the real picture as almost 80% of the workforce is engaged in informal sector. As reported, 0.02% of Pakistan’s total population holds almost 40% of Pakistan’s total wealth. Hence, Pakistan faces a troubled economy resulting in low living standards and slow rate of growth. Such a lack of progress is because of the conflict between civil society and the government, social and infrastructural damage to exports and critical shortage of electricity and gas. The urban fabric of the country is supported by self-help organizations such as Edhi Foundation, Citizen’s Police Liaison’s Committee, Women Action Forum and Lawyers for Civil rights, etc. However, the rural areas have very little access to such self sustained organizations”.<sup>2</sup>

A 2018 country report on Pakistan (covering the period February 1, 2015 to January 31, 2017) published by Bertelsmann Stiftung summarised Pakistan’s ability for socio-economic development in the following terms:

Pakistan has important strategic endowments and potential for economic development but it faces significant economic, security and governance challenges in realizing socioeconomic development. However, the statistics conceal important provincial variations, with central and northern Punjab in particular performing better than national averages.

There is significant poverty in Pakistan, with 36.9% of the population living below the poverty line in 2013. Pakistan has shown slow but steady improvement in its Human Development Index, reaching 5.38 in 2014, ranked 147 out of 187 countries that year. The Gini Index for 2013 was 30.7, indicating inequality that is significant but below (i.e., less unequal) than the global average of 40.

The Gender Inequality Index for 2015 was 0.546, and has shown incremental improvement over several years. Yet, gender disparities persist in the economic, health and education sectors. 22.3% of the labor force in 2014 was female, according to World Bank Development Indicators; this percentage has also seen incremental improvement every year since 2004, when it was 16.8%. Pakistan’s total adult literacy rate is 56.4% but there is a significant gender gap, with male literacy at 69.6% and female literacy at 42.7%.<sup>3</sup>

The World Bank summarised Pakistan’s economic situation during 2017 as follows:

Pakistan has made significant progress in regaining macroeconomic stability over the past three years. Pakistan has achieved macroeconomic stability in the past three years: the fiscal deficit has shrunk from 8 percent to below 5 percent, international reserves have tripled to over \$18b, and the rate of growth has increased by a full percentage point to 4.7 percent.

Economic indicators in the first half of FY17 suggest that pressures are mounting for both fiscal consolidation and external balances. The current account deficit will more than double in FY19 from 1.1 percent of GDP in FY16. Reserves are forecast to be around \$18b by FY19, still well above three months of imports. The fiscal deficit will widen from 4.5 percent of GDP in FY16 to 5.1 percent in FY18, and will decline slightly to 4.9 percent in FY19. Pakistan has also embarked on an ambitious structural reforms program. Implementation record has been mixed. There were early successes in taxation, the financial sector, the business environment (at both the national and provincial levels), and the

---

<sup>2</sup> Transparency International Pakistan, [Anti-corruption Agency Strengthening Initiative Assessment of Pakistan’s National Accountability Bureau Report](#), 2016, *Politics and society*, p. 22

<sup>3</sup> Bertelsmann Stiftung, [BTI 2018; Pakistan Country Report](#), 2018, *II. Economic Transformation*, p. 18

electricity sector. However, significant reforms undertaken in the electricity sector have stalled since the Government stopped privatization a year ago.<sup>4</sup>

The same source further described the state of human development indicators in Pakistan:

Pakistan remains one of the lowest performers in the South Asia Region on human development indicators, especially in education and stunting. The Net Enrollment Rates in education have been increasing in Pakistan but still lag behind other South Asia countries. Infant and under five mortality rates represent a similar story. Gender disparities persist in education, health and all economic sectors. Pakistan has one of the lowest female labor force participation rates in the region. Nutrition also remains a significant cross-cutting challenge, as 44% of children under five are stunted. The spending on health, nutrition, and education, now totaling 3 percent of GDP, significantly lower than most other countries. Increased allocation will only be possible after increasing government revenues. The tax-to-GDP ratio, at 12.4 percent, is one of the lowest in the world and it is still half of what it could be for Pakistan. Continued reforms to broaden the tax base and increase revenues will therefore need to remain a priority. Service delivery is the responsibility of subnational governments, whose capacity varies, but the federal Government needs to play an assertive stewardship role as increased financing has to be accompanied by meaningful improvements in quality of services. A strategy to greatly improve development outcomes would therefore need to combine efforts to increase the level of public spending as well as improving its quality, with a focus on provincial level capacity.<sup>5</sup>

The International Rescue Committee's Strategy Action Plan for Pakistan, published July 2017, noted that "Pakistan's progress on the social development is slow. To address the emerging needs and uplift the human and social development, Government of Pakistan has adopted the UN's Sustainable Development Goals (SDGs) as its agenda. Despite a lot of challenges, education is one of the major concerns. A large number of children in Pakistan lack basic education and are thus inadequately prepared for life and work. Many children are unable to read, write, do simple math, work in teams and solve problems. Furthermore, healthcare services often do not offer support for the unique needs of women and girls. A high number of women die during, before or after childbirth; and girls often do not have enough information to make informed decisions about their health".<sup>6</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned at the very low level of public funding allocated to areas relating to Covenant rights, particularly employment, social security, housing, water and sanitation, health and education, which cannot be justified by the high levels of defence expenditure. It is also concerned that a large portion of the funding allocated for education remains unspent in some provinces. Furthermore, it is concerned that the tax-to-gross domestic product ratio of Pakistan is very low and that the tax regime of the State party, characterized by a limited tax base, a non-progressive tax system and a heavy reliance on indirect taxes, may not be effective in significantly increasing spending on Covenant rights (art. 2 (1)). [...]

While recognizing the reduction in the levels of poverty during the past 15 years, the Committee is concerned that a very high proportion of persons continue to live in poverty in the State party, especially in certain regions, for example in Sindh, in the Federally Administered Tribal Areas and in Balochistan. While welcoming the adoption of the Benazir Income Support Programme and the gradual increase in its coverage, it remains concerned that over 1 million eligible people are still not covered, that the cut-off score used to identify beneficiaries does not reflect the poverty line but is based, rather, on the fiscal capacity of the State party and that the amount awarded is not sufficient to ensure an adequate standard of living for beneficiaries (arts. 9 and 11). [...]

---

<sup>4</sup> World Bank, [Pakistan Overview](#), updated 14 April 2017

<sup>5</sup> World Bank, [Pakistan Overview](#), updated 14 April 2017

<sup>6</sup> International Rescue Committee, [Pakistan Strategy Action Plan](#), July 2017, p. 2

The Committee is concerned that around 58 per cent of households are food insecure and nearly 30 per cent of the population is suffering from hunger. While welcoming the adoption of an infant and young child feeding strategy, it remains concerned at the insufficient implementation of the strategy owing to a lack of funding. It is particularly concerned about the fact that 44 per cent of children are stunted and 35 per cent of child deaths are related to malnutrition. [...]

The Committee is concerned at the acute shortage of adequate housing and the lack of financing programmes for low-income families. It is also concerned at the high number of persons living without legal tenure in urban informal settlements (katchi abadis), with limited access to basic services. It is further concerned that people without secure tenure in urban areas and people living in areas where development projects such as the Orange Metroline project in Lahore are being carried out are often subject to forced evictions without due process or adequate alternative housing or compensation (art. 11). [...]

While noting the progress made by the State party, the Committee remains concerned that a high number of people still have no access to safe drinking water and adequate sanitation facilities (art. 11). [...]

The Committee is concerned at the very low level of public funding allocated to the health sector, at the insufficient coverage of the National Health Insurance Programme and at the weak public health system, which has led to a heavy reliance on private health services. It is particularly concerned at the high maternal and infant mortality rates.<sup>7</sup>

A September 2017 report on Pakistan by the Australian Government's Department of Foreign Affairs and Trade described the country's economic situation thus:

The Pakistan government's macroeconomic management has helped to improve growth and reduce inflation in recent years. According to the IMF [International Monetary Fund], annual real GDP growth averaged around 3.7 per cent over the decade to 2016, while annual consumer price inflation fell from a peak of more than 21 per cent in 2008 to 3.2 per cent in 2016. The government's budget deficit decreased from 8.4 per cent of GDP in 2012-13 to 4.3 per cent of GDP in 2015-16, due in part to reductions in power subsidies and improved revenue collection efforts. However, fiscal year 2016-17 has seen macro-economic gains erode with a widening current account deficit, primarily due to a growing trade deficit, and slowing fiscal consolidation. The World Bank, the IMF and credit rating agency Moody's have all warned that economic stability and growth will only be sustainable if Pakistan implements structural economic reform.<sup>8</sup>

The same source further noted with regards to the socio-economic situation thus:

In addition to security concerns, significant structural impediments to faster growth exist, including the prevalence of inefficient state-owned enterprises. Pakistan's business environment is also weak; Pakistan ranked 144th out of 190 economies in the World Bank's Doing Business 2017 report, trailing all South Asian economies except Bangladesh. Extreme poverty in Pakistan (defined using the World Bank's poverty line of \$1.90 per day using 2011 price levels) has fallen from around 28.7 per cent of the population in 2001 to 6.1 per cent in 2013 (the latest available data). Over the same period, the number of people living in relative poverty (defined using the World Bank's poverty line of \$3.10 per day in 2011 prices) fell from 70 per cent of the population to 36.9 per cent. The World Bank classifies Pakistan as a lower-middle-income country, with per capita gross national income of around USD 1,440 (calculated using the Atlas method). The United Nations Development Programme ranks Pakistan 147th out of 188 countries in its 2016 Human Development Report, adjacent to Kenya (ranked 146th) and Swaziland (ranked 148th). Pakistan is the lowest-ranked country in the 'medium human development' category, with Swaziland being categorised as a 'low human development' country.<sup>9</sup>

---

<sup>7</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 15, 65, 69, 71, 73, 75

<sup>8</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 5

<sup>9</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 5

## 1.2 Overview of current humanitarian situation

The International Rescue Committee's Strategy Action Plan for Pakistan, published July 2017, described the humanitarian situation in Pakistan as follows: "Pakistan is among the most disaster-prone countries in the world. There are estimated 3.2 million people in need of humanitarian assistance. As a result, Pakistan has several populations each with a unique set of challenges in humanitarian settings; such as communities temporarily displaced in the Federally Administered Tribal Areas; a large population of registered and unregistered Afghan refugees; and people displaced by natural disasters such as floods or drought. Given such challenges, quality of life of the people affected by disasters suffers greatly".<sup>10</sup>

An undated article by the Assessment Capacities Project summarised the humanitarian situation in Pakistan during 2017 stating that "Around 3.2 million people are in need of humanitarian aid in Pakistan. The security situation remains volatile due to militant attacks in urban centres and military operations against the Taliban in the tribal areas. Around 300,000 people remain displaced within Khyber Pakhtunkhwa and FATA [Federally Administered Tribal Areas]. Additionally around 1.39 million registered and around one million undocumented Afghans are living in Pakistan. The needs of IDPs and Afghan refugees in Khyber Pakhtunkhwa are of particular concern. Aid agencies in Pakistan are struggling to deliver assistance because they lack government permission to operate. Attacks on NGO workers by armed groups also occur. INFORM [Index for Risk Management] measures Pakistan's risk of humanitarian crisis and disaster to be high, at 6.4/10. Pakistan's exposure to hazards is of particular concern, at 9/10".<sup>11</sup>

A UNICEF report covering the first half of 2017 stated on the humanitarian situation in Pakistan that:

According to the 2017 Humanitarian Strategic Plan (HSP) it is estimated that 3.2 million people, of whom 1.6 million are children, are in need of humanitarian assistance in Pakistan. Major humanitarian situations include the displacement and return of families in KP [Khyber Pakhtunkhwa] and FATA [Federally Administered Tribal Areas], and the drought-like situation in some districts of the Sindh province. Overall the HSP 2017 identified 780,000 disaster-affected people in need of education interventions, 1.2 million for health, 530,000 for nutrition, 1.1 million for WASH [Water, Sanitation, and Hygiene] and 1.4 million for protection. Complex Emergency in KP & FATA: During 2017, humanitarian assistance continued to focus on supporting displaced populations living in hosting areas and those returning to their areas of origin in FATA. The Government and humanitarian partners facilitated the returns of 29,192 families from January to June, of which 15 per cent were female headed households. Since 16 March 2015, a total of 259,360 families have returned to their places of origin in FATA. However, 45,488 families are still displaced, all living in host communities, and continue to require humanitarian support. The risks that these vulnerable populations face are worsened by the limited access to basic services, especially in FATA where protracted instability and ensuing access issues have negatively impacted the service delivery capacity and infrastructure.<sup>12</sup>

The same source further noted on humanitarian needs in Federally Administered Tribal Areas [FATA] that "Four inter-cluster assessments were conducted between January to June 2017 in FATA (North Waziristan, Orakzai and Kurram Agencies) to collect key information on time-sensitive and life-saving humanitarian needs, and to plan the strategic humanitarian response. In Orakzai, findings showed that 80-90 per cent of the educational facilities and health centres have been completely damaged and

---

<sup>10</sup> International Rescue Committee, [Pakistan Strategy Action Plan](#), July 2017, p. 2

<sup>11</sup> Assessment Capacities Project, [Pakistan Overview](#), undated [accessed 27 April 2018]

<sup>12</sup> UN Children's Fund (UNICEF), [Pakistan Humanitarian Situation Report, 1 January – 30 June 2017](#), 30 June 2017, p. 2



lack water and sanitation infrastructure. About 29 health facilities were reported damaged, and there is a severe shortage of trained female healthcare staff. Meanwhile in North Waziristan, 35-40 per cent of the education facilities in areas visited by the assessment mission team were nonfunctional and 60 per cent lacked water, sanitation and hygiene facilities. Approximately, 50 per cent of water supply schemes are non-functional and 70 per cent of the population are deprived of access to safe drinking water”.<sup>13</sup>

The United Nations Office for the Coordination of Humanitarian Affairs stated in a December 2017 report that “Pakistan is one of the country’s most vulnerable to natural and human-induced disasters worldwide. In the past fifteen years it has experienced large-scale earthquakes, floods, droughts and complex emergencies. Its humanitarian preparedness and response capacity has developed tremendously in that time. Pakistan already has significant experience of major humanitarian cash transfer programmes and is actively building on this foundation”.<sup>14</sup>

In a January 2018 report the US Agency for International Development noted with regards to the humanitarian situation in Pakistan during 2017 that “More than 155,000 registered and undocumented Afghans returned from Pakistan to areas of origin in Afghanistan from January–November, representing a substantial decrease compared to the more than 370,000 registered returnees from January–December 2016, the UN reports. An estimated 1.4 million registered Afghan refugees remain in Pakistan, according to the Office of the UN High Commissioner for Refugees (UNHCR). Displacement continues in Pakistan’s Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (KPk) Province, where more than 29,300 households—many of whom lack sufficient access to food, shelter, and critical services—remained internally displaced as of November 30, the UN reports”.<sup>15</sup>

The World Food Programme noted in a January 2018 food security bulletin covering 2017 that “According to the Strategic Review of Food Security and Nutrition in Pakistan, 18 percent of Pakistan’s population is undernourished. This PoU [Prevalence of Undernourishment] is ranked as “moderately high” according to the Global Hunger Map threshold”.<sup>16</sup>

### **1.2.1 Humanitarian situation faced by IDPs**

For information on the human rights abuses experienced by IDPs see [15. Treatment of internally displaced persons](#).

For information forced displacement as a result of actions by non-state armed groups, see [4.2. Forced displacement](#)

The UN Office for the Coordination of Humanitarian Affairs described the situation of Internally Displaced Persons during 2016 stating that “Most IDPs live in informal settlements and host communities in neighboring Khyber Pakhtunkhwa, where they lack adequate housing, sanitation, electricity supply, schools, hospitals and roads. There are also concerns about a lack of protection

---

<sup>13</sup> UN Children’s Fund (UNICEF), [Pakistan Humanitarian Situation Report, 1 January – 30 June 2017](#), 30 June 2017, p. 2

<sup>14</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Country Cash Profile Pakistan December 2017](#), 26 December 2017, p. 2

<sup>15</sup> US Agency for International Development (USAID), [Pakistan – Complex Emergency; Fact sheet #1, Fiscal Year \(FY\) 2018](#), 10 January 2018, p. 1

<sup>16</sup> World Food Programme, [Pakistan Food Security Bulletin, Issue 7 \(Period: July–December 2017\)](#), January 2018, p. 1

services. Displaced families increasingly depend on less stable sources of income and selling assets, as they struggle to cope. Inter-agency and multi cluster assessments conducted in August 2016 revealed that 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”.<sup>17</sup>

The same report further stated that “By the end of 2016, The Government have provided US\$ 63 Million as cash grants, However, IDPs returning to FATA [Federally Administered Tribal Areas] find infrastructure severely damaged by the crisis or the lack of maintenance for a prolonged period. In some areas, up to 80 per cent of houses have been damaged, as well as schools, health facilities, roads, and irrigation and water supply systems. Most health and education facilities in return areas are not functional, those that are tend to be severely under-resourced and under-staffed with a near total absence of female doctors. An estimated 17 per cent of IDPs are not registered, with a higher rate among female-headed households, and do not receive monthly food packages, non-food items, cash for transport and other official assistance. Displaced persons that have returned face considerable difficulties restarting agriculture-based livelihoods due to heavy damage to irrigation infrastructure, severely reduced livestock, and the unavailability of key agricultural inputs like seeds, fertilizers and tools”.<sup>18</sup>

A 2016 United Nations Office for the Coordination of Humanitarian Affairs assessment of IDPs and returnees conducted in five agencies of FATA, (Khyber, Kurrum, Orakzai, SWA and NWA), and five districts of Khyber Pakhtunkhwa (Peshawar, Kohat, Bannu, DI Khan and Tank) stated that “As of 22 September, 2016, 187,678 families have returned successfully to FATA, whereas 116,113 families still remain in displacement. During the return process most families returned to Khyber Agency (76,776 families), followed by NWA (56,149), SWA (27,938), Kurrum Agency (17,017) and Orakzai Agency (9,798 families). A significant number of families still remain in displacement with the majority being concentrated in the in Peshawar, Kohat, Bannu, DI Khan and Tank. IDPS are also hosted in other districts of KP, or other provinces”.<sup>19</sup>

The same source noted on IDPs access to Water Sanitation and Hygiene (WASH) that “The unavailability of WASH facilities was also reported as a crucial issue. Sixty-eight per cent of IDPs and 58 per cent of returnees had to rely on unsafe sources of drinking water. Water is available at a minimum distance of 15 minutes’ walk by 42 per cent of IDPs in KP [Khyber Pakhtunkhwa] and 69 per cent of returnees in FATA [Federally Administered Tribal Areas]. Fifty per cent of IDPs and 61 per cent of returnees have not received any kind of water container. Usually women and children in the family are responsible for fetching water. A total of 14 per cent of IDPs and 40 per cent of returnees have no toilets and practice open defecation. The remainder are using flush systems and traditional pit latrines. The presence of water-borne disease is prevalent with 21 percent of households having a member with typhoid both in KP and FATA, 44 per cent with diarrhoea in KP, and 49 per cent with diarrhoea in FATA”.<sup>20</sup>

With regards to food security the United Nations Office for the Coordination of Humanitarian Affairs assessment stated that “An analysis of food security revealed that 23 per cent of IDPs and 22 per cent

---

<sup>17</sup> UN Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan Humanitarian Pooled Fund Annual Report 2016](#), 06 June 2017, p. 6

<sup>18</sup> UN Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan Humanitarian Pooled Fund Annual Report 2016](#), 06 June 2017, p. 6 and 7

<sup>19</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 5

<sup>20</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 2

of returning households had poor food consumption, whereas 56 per cent of IDPs and 61 per cent of returnees were borderline. Poor food consumption was significantly higher among female-headed households as well as among unregistered/blocked IDPs”.<sup>21</sup>

On the access to shelter the same source noted that “A high level of damages to shelter infrastructure was reported mainly from SWA, Kurrum and Orakzai agencies. At the time of the assessment, most IDPs were living in rented houses (63 per cent), whereas returnees (88 per cent) were living in their own houses”.<sup>22</sup>

The United Nations Office for the Coordination of Humanitarian Affairs report also made a livelihood assessment stating that “A detailed analysis of livelihood situation revealed that returnees as well as IDPs are relying on unstable and short-term livelihood opportunities due to limited options, and women are more reliant on adverse coping mechanisms”.<sup>23</sup>

The same source further detailed the humanitarian assistance provided to IDPs stating that “A meticulous IDP registration system, jointly regulated by Government of Pakistan and humanitarian community, was developed to facilitate assistance. IDPs were registered on the basis of the possession of computerized national identity cards (CNIC), and the notification of their area of origin as a conflict-affected zone. Once registered, families were eligible for humanitarian assistance, including monthly food rations, cash assistance, or other targeted forms of assistance. Several camps were established to provide shelter support to IDPs, however a majority preferred to stay in hosting communities. For the de-notified areas, a systematic process was introduced to facilitate the return of IDPs. Returning families were provided with a cash grant at the time of return, and monthly food rations for a period of six months after the return. In addition to this, humanitarian actors and government initiated several programs in return areas to ensure provision of basic services to the returnees”.<sup>24</sup>

The International Displacement Monitoring Centre described the displacement situation in Pakistan during the first half of 2017 as follows “Most conflict-related displacement in 2017 so far has been border skirmishes that have displaced thousands of people. This came mainly from events in May where tensions over territory between Afghanistan and Pakistan led to indiscriminate firing and shelling by Afghan forces, as well as continuing disputes along the line of control of Jammu & Kashmir. In addition to over 500 people being displaced in North Waziristan from conflict, approximately 15,000 people were forced to flee from their homes in Chaman, a disputed area which straddles the Afghanistan and Pakistan border, following firing and shelling”.<sup>25</sup>

The European Commission provided an overview of the situation of displacement in Pakistan in May 2017 stating that “The north-western region of Pakistan and the areas bordering Afghanistan (Khyber Pakhtunkhwa (KP) province and the Federally Administered Tribal Areas (FATA) are affected by large scale displacements due to insurgency. The most recent conflict developments in 2014 prompted the displacement of over a million people from North Waziristan Agency (NWA) and Khyber Agency in FATA to adjoining districts, adding to people still displaced from previous years and putting a strain on the already limited facilities in the hosting areas. While more than 1.5 million internally displaced

---

<sup>21</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 3

<sup>22</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 3

<sup>23</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 33

<sup>24</sup> United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 5

<sup>25</sup> International Displacement Monitoring Centre, [Pakistan - Mid-year update 2017 \(January - June\)](#), undated [accessed 27 April 2018]

persons (IDPs) had returned to their places of origin following an acceleration of returns over the past two years, over 253 000 people remained displaced as of September 2017. Displaced families require shelter, food, medicines, safe drinking water and education services for their children.”<sup>26</sup>

The Norwegian Refugee Council stated in a July 2017 update on Pakistan that “From droughts to flash floods, natural hazards plague the northern and western regions of Pakistan. Each year they leave hundreds dead and displace thousands more, with homes, roads, bridges and crops destroyed in their wake. Nearly 159,800 Pakistani families (over a million individuals) are living in displacement, unable to return to their home villages. Around 144,000 families have returned, but are struggling to rebuild their lives”.<sup>27</sup>

An August 2017 report by the US Agency for International Development noted that “Protracted displacement and recurrent natural disasters continue to restrict access to health care in Pakistan. In KPK [Khyber Pakhtunkhwa], approximately 70 percent of women and children do not have access to health care, according to Médecins du Monde. From February–April, NGO partners, with USAID/OFDA [United States Agency for International Development/Office of U.S. Foreign Disaster Assistance] funding, established two health facilities in FATA [Federally Administered Tribal Areas] and provided medical consultations and treatment for approximately 4,150 returnees”.<sup>28</sup>

The Assessment Capacities Project noted in January 2018 with regards to the situation of IDPs in Pakistan that “Most IDPs in Pakistan are from FATA [Federally Administered Tribal Areas] and have been displaced in the tribal areas themselves or to KP [Khyber Pakhtunkhwa]. However, in the past, report emerged on displacement along the Line of Control, the de facto border with India, due to cross-border shelling. Displacement in Balochistan is highly likely, due to conflict and insecurity, but information is limited due to limited access. Of the IDPs from FATA, over 1,830,000 people have returned since March 2015. Of these, almost 222,000 returned in 2017 and approximately 802,000 returned in 2016. Most returns in 2017 have been to north and south Waziristan. 14% of all returning households are headed by females. More than 205,000 IDPs from FATA remain displaced as of December”.<sup>29</sup>

### 1.3 Overview of current political situation

An autumn 2016 Cairo Review of Global Affairs explained with regards to Pakistan’s then political scene that:

By some measures, Pakistan’s democracy can be described as vibrant. A total of 333 parties are registered with the Election Commission of Pakistan. In each general election, 272 constituencies hold direct elections to the National Assembly; the other seventy seats are reserved for women and minorities. For each of the direct election constituencies, parties can field one candidate each, and candidates can run independently as well. Reserved seats are then allocated proportionately to parties that have won more than 5 percent of the vote. The party with the majority of seats in parliament forms the government; if it does not have an outright majority, it needs to form a coalition with smaller parties.

In reality, Pakistani democracy operates with many constraints. Just six out of the 333 parties hold more than ten seats in parliament (out of a total of 342), and only eighteen parties hold any seats at all.

---

<sup>26</sup> European Commission - European Civil Protection and Humanitarian Aid Operations, [Pakistan Factheet](#), 29 May 2017, p. 1

<sup>27</sup> Norwegian Refugee Council, [Country programme in Pakistan](#), July 2017, p. 1

<sup>28</sup> US Agency for International Development (USAID), [Pakistan – Complex Emergency; Fact sheet #2, Fiscal Year \(FY\) 2017](#), 14 August 2017, p.3

<sup>29</sup> Assessment Capacities Project, [IDPs and Returnees](#), Last updated 17.01.2018

Pakistan has four provinces, Punjab, Sindh, KPK, and Balochistan, with 183, seventy-five, forty-three, and seventeen seats in parliament, respectively (the tribal areas and the federal capital hold twelve and two seats, respectively). As the numbers indicate, any party that can dominate Punjab can hold sway over national politics. This means that voters are only left with a couple of choices of political parties that are nationally viable.

Then there is the dynasty problem. The three main parties—the PML-N, the PPP, and the PTI—are all personality- and family-driven. The PML-N is associated completely with Nawaz Sharif (it is no coincidence that Nawaz is an element of the party's name); the PPP with the Bhutto family; and the PTI with Imran Khan. There is a lack of internal democracy. It remains to be seen whether Imran Khan will succeed in transitioning the PTI into a party that is not completely tied to him.<sup>30</sup>

On the same issue a January 2017 Brookings Institution article contended:

Pakistani politics—defined through the decades by military dominance and two corrupt parties alternately holding power—requires a transformation. As a start, its two major parties need robust competition that can incentivize their politicians to behave better. Unfortunately, Pakistan's third party, the Tehreek-e-Insaf, has failed in that role: Its leader Imran Khan's protests and extra parliamentary behavior have not been conducive to the cause of democracy. Prime Minister Nawaz Sharif's corruption scandals have not helped either. Beyond party competition, Pakistani democracy also needs lower barriers to entry into politics, non-dynastic leadership of major parties, and a new wave of first-generation political entrepreneurs who are different from the establishment elite.<sup>31</sup>

An autumn 2016 Cairo Review of Global Affairs further explained with regards to the then political climate:

[Imran] Khan's [Pakistan Tehreek-e-Insaf (PTI)] challenge significantly weakened Nawaz Sharif's hold on power. After the Peshawar attack, the need to improve security was vital, and the civilians were (rightfully) not deemed up for the task. This gave the military an opportunity to appropriate total control of security policy and set up military courts for terrorism cases. Sharif suffered a further blow in 2016 when he was implicated in corrupt activities by the so-called Panama Papers. [...]

The army has an aggressive public relations machine, headed by an exceptionally media-savvy general, Asim Bajwa. Its publicity blitz now includes television dramas, music videos, and documentaries. No one benefits more from it all than Raheel Sharif [Chief of Army Staff]. Posters with his face are plastered all over Pakistan—even as rickshaw art—and he is constantly in the news. The hashtag #ThankYouRaheelSharif became ubiquitous on social media last year.

Nawaz Sharif, on the other hand, still makes old-school speeches from behind his desk, beginning them with "my dear countrymen," always somewhat whiny and listless. He does not wield a compelling narrative. The public perceives him as weak and ineffectual, while Raheel Sharif exudes competence and efficiency. Nawaz and other politicians are considered as out to enrich themselves personally while the army is considered to work only for Pakistan's interests. This perception is partly warranted (the army delivers in spite of its corruption; the politicians do not deliver because of theirs), but it also follows from the army's successful command of the national narrative. [...] The media issues harsh criticism of the government while largely sparing the army (the army makes clear that it does not tolerate criticism). [...]

It is a particular feature of Pakistan's democracy that the army chief, a figure who inhabits the background in most democracies, dominates the country's imagination more than its popularly elected leader.<sup>32</sup>

In February 2017 the Hudson Institute reported that:

There has been some cautious optimism that Pakistan's newly-appointed Chief of Army Staff (COAS) General Qamar Bajwa could pursue a tougher line on terrorism than did his predecessor, General

---

<sup>30</sup> Cairo Review of Global Affairs, [Pakistan's Democratic Opportunity](#), Fall 2016

<sup>31</sup> Brookings Institution, [Redefining Pakistan](#), 11 January 2017

<sup>32</sup> Cairo Review of Global Affairs, [Pakistan's Democratic Opportunity](#), Fall 2016

Raheel Sharif. General Sharif cracked down on terrorists threatening the Pakistani state, but he did little to rein in those that attack in Afghanistan and India. The smooth transition from one Army Chief to another and the apparent lack of interference in Prime Minister Nawaz Sharif's decision-making process on the appointment have been received positively by Pakistan's neighbors. However, it is too early to tell whether General Bajwa will follow through on any meaningful changes to Pakistan's terrorism policies. Similar hopes with previous army commanders over the last two decades have gone without fulfillment.<sup>33</sup>

The Hudson Institute explained that on 28 July 2017 Pakistan's Supreme Court ruled to ouster Prime Minister Nawaz Sharif by ruling against him in a case involving undeclared assets; the publication of the 'Panama Papers' revealed that three of his children owned offshore companies and various other holdings, leading Sharif to resign.<sup>34</sup> Heidelberg Conflict Barometer for 2017 provides a detailed description of his dismissal.<sup>35</sup> Prime Minister Shahid Khaqan Abbasi has been Prime Minister since 1 August 2017 with elections to be held later in 2018.<sup>36</sup>

In September 2017 the Assessment Capabilities Project reported that "Since January 2017, discussions have been ongoing about a possible merger of FATA and KP, which would integrate the former into the Pakistani state structure. FATA is currently a semi-autonomous tribal region and not a full-fledged province, but would become one through the merger. In so doing, the Pakistani government hopes to exert better control over the area. The merger was approved by cabinet on 2 March [2017], but the process has stalled since".<sup>37</sup>

The Heidelberg Conflict Barometer for 2017 recorded that "As in previous years, political developments in Pakistan were influenced greatly by the ongoing conflicts between the ruling and the opposition parties as well as the evolving civil- military relations. The government and other elected institutions have been directly and indirectly pressurized to terms by non-elected institutions as well as non-state actors such as religious groups. In several cases throughout the year, the government and the military did not seem to act as one state institution".<sup>38</sup>

The same source provided the following overview of the October 2017 Tehreek-i-Labaik Ya Rasool Allah (TLY) protests in Islamabad:

On October 2 [2017], the government proposed an amendment to the Elections Act, changing the MPs' mandatory oath of office confirming their belief in the finality of Prophethood to a declaration. [...] Protests led by the religious parties TLY, Tehreek-e-Khatme-Nabuwwat, and Sunni Tehreek Pakistan started, accusing the Law Minister Zahid Hamid of blasphemy. A two-week long sit-in in Islamabad eventually turned violent, when the government deployed police forces to disperse the protesters on November 25, leaving several dead and hundreds injured. After the government had called for the army to bring the situation under control, on November 27, an agreement brokered by Army Chief General Qamar Javed Bajwa was reached with the protesters. The government gave in to all of the protesters' demands, among them Hamid's resignation. It was further agreed that those responsible for the change in the election oath will be acted against under the law, possibly for blasphemy, and that all detained protesters would be released. Dawn reported that Punjab Rangers DG Major General Azhar Naveed

---

<sup>33</sup> Hudson Institute, [A New U.S. Approach to Pakistan: Enforcing Aid Conditions without Cutting Ties](#), 6 February 2017, *Background* p.7

<sup>34</sup> Hudson Institute, [Pakistan's Sharif Resigns](#), 28 July 2017

<sup>35</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Struggling Democratic Process in Pakistan*, p. 33

<sup>36</sup> CIA World Factbook, [Pakistan](#), last updated 16 March 2018, *Government*

<sup>37</sup> Assessment Capabilities Project, [Politics and Security](#), 1 November 2017

<sup>38</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Struggling Democratic Process in Pakistan*, p. 33



Hayat oversaw the release of protesters and gave 1,000 rupees to each released protester as fare for their travel home.<sup>39</sup>

According to Cyril Almeida, Assistant editor and journalist of the Dawn newspaper (Pakistan), giving a presentation for an October 2017 EASO COI meeting on Pakistan:

Pakistan's politics has fractured in the last decade or so, it has become more regional. There's no truly dominant national party and this has created a bit of complexity in the system which we didn't have before. We're really in an era of coalition governments. [...]

That instability is, I think, something that people must keep in mind in looking at Pakistani politics, that what we really are looking at is possibly a continuation of an era of Coalition politics that started in 2008. That makes things very complicated because in the next election the three largest parties are most likely to be the PML-N, the PTI and the PPP. But if none of them are able to individually win a parliamentary majority there is no obvious combination of those parties that could form a government. That could mean not just a hung Parliament but also severely fractured Pakistani politics going forward. This is not to cast a dire prediction, but it is worth keeping in mind.<sup>40</sup>

The Institute of Peace and Conflict Studies reported that "Despite several hiccups, on 19 December [2017], the Senate of Pakistan passed the Constitution (Amendment) Bill 2017 - resulting in the amendment to Article 51 (5) of the Pakistani constitution - which will enable elections to the National Assembly (NA) to be held on the basis of the 2017 provisional census results".<sup>41</sup> The same source further elucidated:

Under the newly demarcated constituencies, of the 342 NA seats, Punjab will have 141 General seats and 33 Women seats (7 General and 2 Women seats fewer); Khyber Pakhtunkhwa will have 39 General and 9 Women seats (4 General and 1 Women seat added); Baluchistan will have 16 General and 4 Women seats (2 General and 1 Women seat added); and the Federal Capital Area will have 3 General seats (1 General seat added). The existing 61 General and 14 Women seats in Sindh and 12 General seats in the Federally Administered Tribal Areas (FATA) remain unchanged. The term of the present parliament ends on 31 May 2018. After the Election Commission implements these changes, elections could be held, after Ramadan, sometime in mid-August 2018. [...]

The next important landmark would be the Senate elections, scheduled for 2 March 2018. This poll would enhance the PML (N)'s strength, though not by enough to give it two-thirds majority. At present, the 104-member Upper House has 27 PML (N) Senators; 26 Pakistan Peoples Party (PPP) Senators; and 7 Pakistan Tehreek-e-Insaf (PTI) Senators. After the election, PML (N) will have 37 seats, PPP, 16; and PTI, 13.<sup>42</sup>

In January 2018 the BBC reported that "The US government is cutting almost all security aid to Pakistan, saying it has failed to deal with terrorist networks operating on its soil. The state department said the freeze would remain in place until Islamabad took action against the Haqqani network and the Afghan Taliban".<sup>43</sup>

---

<sup>39</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Struggling Democratic Process in Pakistan*, p. 33

<sup>40</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1. *Overview of the current political and security situation in Pakistan* p.18

<sup>41</sup> Institute of Peace and Conflict Studies, [Election Year in Pakistan: Key Dynamics and Prospects](#), 27 December 2017

<sup>42</sup> Institute of Peace and Conflict Studies, [Election Year in Pakistan: Key Dynamics and Prospects](#), 27 December 2017

<sup>43</sup> BBC, [US cuts Pakistan security assistance over terror groups](#), 4 January 2018

## 2. Non-state armed actors and militant groups

For abuses perpetrated by these actors, see [4. Overview of human rights abuses by non-state armed groups](#).

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of Dawn newspaper (Pakistan), gave a presentation in which he contended that there are “five broad categories of militancy, terrorism and extremism [...] [s]ectarian, anti-Pakistan, India-centric, Afghan-centric, and foreign groups. [...] The five categories of militants in Pakistan broadly speaking help explain seemingly conflicting explanations of how far the State has gone in the fight against militancy. Some groups face sustained action by the State, others periodic crackdowns and yet others have faced no action at all. Looking at the five different categories of militants can give a full picture of the state of militancy in Pakistan”.<sup>44</sup> He further elucidated:

### **Anti-Pakistan**

Anti-Pakistan militants, referred to as such by the State, are groups that have taken up arms against the State and that have carried out violent attacks inside Pakistan. Primarily, this means the TTP [Tehrik-e Taliban Pakistan], the target of military operations for more than a decade. TTP itself is an umbrella organisation. There is much factionalism and in-fighting in the TTP and new factions claiming responsibility for militant attacks frequently appear. The anti-Pakistan militants are the group of militants that have faced the most pressure from the State and for more than a decade have been the target of most counter-insurgency and counter-terrorism efforts.

### **India-centric militants**

A second category is India-centric militants, highlighted by Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM). These groups have not seen any meaningful action taken against them. There's no attempt being made to try and rein in these networks or to curtail their activities. It should be noted, however, that Hafiz Saeed is under house arrest since January. In terms of State policy, there has been some discussion about mainstreaming such militant groups. That means to allow them to become part of the political process and eventually curb their militant and extremist activities. These groups do not generally launch attacks inside Pakistan and as long as that continues to be the case, the State will likely remain reluctant to take action against such groups.

### **Afghan-centric**

The third category of militants is the Afghan-centric. The Afghan Taleban, the Haqqani network and affiliated militants who are fighting in Afghanistan against the Afghan government and foreign forces. These groups too have not in any meaningful way faced any action by the Pakistani State. Over the years they've had an uneasy relationship with the Pakistani State. They clearly do exist in Pakistan, there are sanctuaries, centres where the leadership does exist on Pakistani soil, but it's not as close and straightforward a relationship as is often assumed. The Afghan-centric militants are tolerated on Pakistani soil, more because of the strategic need to do with Afghanistan itself as opposed to some kind of great affection or liking for these groups. These groups are a bulwark against what the State believes is Indian influence in Afghanistan. In addition, the Afghan-centric militants are Pashtun, a group that is the dominant population in Afghanistan and of whom there are a large number in Pakistan.

### **Sectarian groups**

The fourth group is the sectarian groups. The Punjabi Taleban, SSP [Sipah-e-Sahaba Pakistan] and Lashkar-e-Jhangvi. These groups have periodically faced State action. The sectarian groups inside Pakistan are not clearly aligned, or haven't been for a long time aligned with the Pakistani State. There are no rational or clear linkages in terms of overt support, but they go through phases. There are phases when sectarian groups inside Pakistan are attacked by the State, and then there are phases when there's a lull, and that allows also the terrorists to regroup and reorganise. The sectarian groups have perhaps the most complicated relationship with the Pakistani State. They go through periods when they are under severe repression both by the military establishment and the civilians. In fact, in the 1990s, the second Nawaz Sharif government launched a crackdown on sectarian militants in Punjab. It was

---

<sup>44</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1. *Overview of the current political and security situation in Pakistan p.16*



extremely violent and vicious and they killed a number of them. In this government too, in 2015 one of the sectarian kingpins, Malik Ishaq, was mysteriously murdered. No official explanation has been offered for his death. Sectarian group exists and they face State action but not in any concerted and sustained manner.

#### **Foreign groups**

The fifth category of militants in the Pakistani context are the foreign militants. Al Qaeda, the Arab militants, the Uzbeks and the Chechens. Mostly concentrated in Fata and aligned with Al Qaeda, but military operations in FATA pushed most such militants outside the borders of Pakistan. Nevertheless, because the number of foreign militants has always been small, a few foreign militants are likely to still be hiding in Pakistan, perhaps along the border region between Afghanistan and Pakistan.<sup>45</sup>

At the same EASO COI meeting Matthew Nelson, Reader in Politics, PhD, School of Oriental and African Studies (SOAS) of the University of London gave a detailed presentation on sectarian politics and noted the following actors with regards to sectarianism and violence:

#### **DEOBAND (Jamat-e-Ulema-e-Islam / JUI)**

##### **ANTI-AHMADI**

Majlis-ul-Ahrar-e-Islam

##### **ANTI-SHIA**

Sipah-e-Sahaba Pakistan (SSP)

Ahl-e-Sunnat-wal-Jamaat (ASWJ) (Ludhianvi): 'electoral'

Lashkar-e-Jhangvi (LeJ) (Jhangvi; Ishaq): 'militant'

#### **BARELWI**

##### **ANTI-AHMADI**

Majlis-e-Tahaffuz-e-Khatm-e-Nabuwwat

##### **PRO-BARELWI**

Dawat-e-Islami (e.g. Mumtaz Qadri)

Sunni Tehreek

#### **SHIA**

ANTI-DEOBANDI/SSP [Sipah-e-Sahaba Pakistan]

Sipah-e-Mohammad

ANTI-ASWJ [Ahl-e-Sunnat-wal-Jamaat]

Majlis-e-Wahdat-e-Muslimeen (MWM).<sup>46</sup>

Furthermore, in his presentation, Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies (PIPS) identified the following major actors of instability in Pakistan in 2017 (up until September 2017):

- **TTP**: 64 attacks- D.I Khan, Peshawar, Kurram, Karachi, South Waziristan
- **Jammatul Ahrar**: 37 attacks- Bajaur and Mhumand agencies, Kurram, Karachi, Lahore, Quetta
- **LeJ**: 9 attacks- Karachi, Kurram, Mustung, Quetta
- **ISIS**: 7 attacks- Interior Sindh, Peshawar, Mustung
- **LeJ (al-Alami)**: 8 attacks- Karachi, Lahore, Quetta, Kurram
- **BLA** [Balochistan Liberation Army]: 34 attacks- Quetta, Qalat, Sibbi, Gawadar
- **BLF** [Balochistan Liberation Front]: 35 attacks- Kech, Turbat, Gawadar
- **BRA** [Baloch Republican Army]: 24 attacks- Nasirabad, Dera Bughti
- **New Actors**:
  1. Ansar-ul Shariah: 6 attacks- Karachi

<sup>45</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1.3 *Militancy in Pakistan* p.22

<sup>46</sup> [Matthew Nelson] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 2.4 *Sectarianism and violence* p.32

2. AQIS [Al Qaida in the Indian Subcontinent; militant group]: 2 attacks- Karachi.<sup>47</sup>

In its August 2017 report on the security situation EASO provided a detailed overview of some of the main non-state actors operating in Pakistan.<sup>48</sup>

The Heidelberg Conflict Barometer for 2017 recorded the following conflicts and conflict parties in Pakistan in 2017 (emphasis added):

**Pakistan** (Balochistan): BLA, BRA, UBA [United Baloch Army], LeB [Lashkar-e-Balochistan], BNP, BLF, BNM [Baloch National Movement] **vs. government**  
**Pakistan (Islamist militant groups):** TTP, JuA [Jamaat ul Ahra], LeJ, al-Qaeda, IS vs. government;  
**Pakistan (opposition):** PTI [Pakistan Tehreek-e-Insaf], PAT [Pakistan Awami Tehreek], TLY [Tehreek-i-Labaik Ya Rasool Allah], Tehreek-e-Khatme-Nabuwwat, Sunni Tehreek Pakistan vs. government;  
**Pakistan (Sindh):** MQM [Muttahida Qaumi Movement], Mohajirs vs. PPP [Pakistan People's Party], Balochs, Sindhis vs. ANP [Awami National Party, Pakhtuns vs. government];  
**Pakistan (Sunni militants – religious groups):** TTP, LeJ, IS, JuA [Jamaat ul Ahrar] vs. Shiites, Ahmadis, Sufis, Hindus, Christians; Pakistan (Taliban – tribes); TTP, LI, JuA vs. various tribes, tribal militias, peace committees.<sup>49</sup>

In January 2018 the Pakistani government issued an Urdu advertisement published in almost all domestic major newspapers which listed 72 banned groups.<sup>50</sup> It further stated that according to the Pakistani Anti-Terrorism Act of 1997 and under the UN Security Council Act of 1948 it is a crime to fund banned organisations and that those doing so would face 10 years of imprisonment along with a hefty fine of up to Rs 10 million<sup>51, 52</sup>.

The Pakistan National Counter Terrorism Authority (NACTA) published the following list in February 2018 of 66 organisations proscribed by the Ministry of Interior.<sup>53</sup>

---

<sup>47</sup> [Muhammad Amir Rana] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 6.3 Major actors of instability in 2017, p.63

<sup>48</sup> European Asylum Support Office (EASO), [Country of Origin Information \(COI\) Report 'Pakistan security situation'](#), 4 August 2017, 1.1.2. Ethnic and sectarian violence p.17

<sup>49</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *India-Pakistan*, p.145

<sup>50</sup> APN News, [Pakistan lists 72 banned groups – including Hafiz Saeed's JuD, LeT](#), 7 January 2018

<sup>51</sup> Approximately £61,000 as of 29 March 2018

<sup>52</sup> APN News, [Pakistan lists 72 banned groups – including Hafiz Saeed's JuD, LeT](#), 7 January 2018

<sup>53</sup> National Counter Terrorism Authority (NACTA), [66 Organizations Proscribed by Ministry of Interior u/s 11-B-\(1\) r/w Schedule-I, ATA 1997](#), 8 February 2018



**GOVERNMENT OF PAKISTAN**  
**NATIONAL COUNTER TERRORISM AUTHORITY**  
**ISLAMABAD**  
<http://www.nacta.gov.pk>

**66 Organizations Proscribed by Ministry of Interior u/s 11-B-(1) r/w Schedule-I, ATA 1997**

S	Name of Organization	Date of Notification	S	Name of Organization	Date of Notification
1	Lashkar-e-Jhangvi (LeJ)	14 Aug 2001	34	Rabita Trust	6 March 2012
2	Sipah-i-Muhammad Pakistan (SMP)	14 Aug 2001	35	Anjuman-e-Imania Gilgit Baltistan	24 April 2012
3	Jaish-e-Muhammad (JeM)	14 Jan 2002	36	Muslim Students Organization (MSO) Gilgit	24 April 2012
4	Lashkar-e-Tayyiba (LeT)	14 Jan 2002	37	Tanzeem Ahle Sunnat Wal Jamaat, Gilgit	5 June 2012
5	Sipah-i-Sahaba Pakistan (SSP)	14 Jan 2002	38	Balochistan Bunyad Parast Army	04 Aug, 2012
6	Tehrik-e-Jaffria Pakistan (TJP)	28 Jan 2002	39	Tehreek Nafaz-e-Aman	04 Aug, 2012
7	Tehrik-e-Nifaz-e-Shariat-e-Mohammad (TNSM)	14 Jan 2002	40	Tahafuz Hadudullah	04 Aug, 2012
8	Tehreek-e-Islami	14 Jan 2002	41	Balochistan Waja Liberation Army	04 Aug, 2012
9	Al-Qaeda	17 Mar 2003	42	Baloch Republican Party Azad	04 Aug, 2012
10	Millat-e-Islamia Pakistan (Ex SSP)	15 Nov 2003	43	Balochistan United Army	04 Aug, 2012
11	Khuddam-ul-Islam (Ex JeM)	15 Nov 2003	44	Islam Mujahidin	04 Aug, 2012
12	Islami Tehreek Pakistan (Ex TJP)	15 Nov 2003	45	Jaish-e-Islam	04 Aug, 2012
13	Jameet-ul-Ansar	20 Nov 2003	46	Balochistan National Liberation Army	04 Aug, 2012
14	Jamat-ul-Furqan	20 Nov 2003	47	Khana-E-Hikmat Gilgit Baltistan, Gilgit	13 March, 2013
15	Hizb-ul-Tahreer	20 Nov 2003	48	Tehrik-e-Taliban Swat (TTS)	15 March, 2013
16	Khair-un-Naas International Trust (Splinter Gp. of Jamat-ul-Da'awa (JuD))	27 Oct 2004	49	Tehrik-e-Taliban Mohmand (TTM)	15 March, 2013
17	Balochistan Liberation Army (BLA)	07 Apr 2006	50	Tariq Geedar Group (TGG)	15 March, 2013
18	Islamic Students Movement of Pakistan	21 Aug 2006	51	Abdullah Azam Brigade	15 March, 2013
19	Lashkar-e-Islami	30 June 2008	52	East Turkmenistan Islamic Movement (ETIM)	15 March, 2013
20	Ansar-ul-Islam	30 June 2008	53	Islamic Movement of Uzbekistan (IMU)	15 March, 2013
21	Haji Namdar Group	30 June 2008	54	Islamic Jihad Union (IJU)	15 March, 2013
22	Tehrik-e-Taliban Pakistan (TTP)	25 Aug 2008	55	313 Brigade	15 March, 2013
23	Balochistan Republican Army (BRA)	08 Sep 2010	56	Tehrik-e-Taliban Bajaur (TTB)	15 March, 2013
24	Balochistan Liberation Front (BLF)	08 Sep 2010	57	Amar bil Maroof Wa Nahi Anil Munkir (Haji Namdar Group)	15 March, 2013
25	Lashkar-e-Balochistan (LeB)	08 Sep 2010	58	Baloch Student Organization Azad (BSO-A)	15 March, 2013
26	Balochistan Liberation United Front (BLUF)	08 Sep 2010	59	United Baloch Army (UBA)	15 March, 2013
27	Balochistan Musalla Defah Tanzeem (BMDT)	08 Sep 2010	60	Jeny Sindh Muttahida Mahaz (JSMM)	15 March, 2013
28	Shia Tulaba Action Committee, Gilgit	10 Oct 2011	61	Daish/ISIL/IS/ISIS	15 July 2015
29	Markaz Saheel Organization, Gilgit	10 Oct 2011	62	Jamat Ul Ahrar (JuA)	11 Nov. 2016
30	Tanzeem Naujawana-e-Ahle Sunnat (TNA), Gilgit	10 Oct 2011	63	Lashkar-e-Jhangvi Al-Almi (LeJA)	11 Nov. 2016
31	Peoples Aman Committee (Layari)	10 Oct 2011	64	Ansar-ul-Hussain	30 Dec. 2016
32	Ahle Sunnat Wal Jamaat (ASWJ) Ex-SSP	15 Feb, 2012	65	Tehreek-e-Azadi Jammu & Kashmir (TAK)	08 June 2017
33	Al Harmain Foundation	6 March 2012	66	Jundullah	31 Jan 2018

**4 Organizations U/Watch by Ministry of Interior u/s 11-D-(1) r/w Schedule-II, ATA 1997**

1	Ghulam-e-Sahaba (GS)	30 May, 2017	3	Jamaat-ul-Da'awa (JuD)	27 Jan, 2017
2	Maymar Trust	29 March, 2017	4	Falah-e-Insaniyat Foundation (FIF)	27 Jan, 2017

**2 Organizations enlisted under UN Security Council Resolution No. 1267**

1	Al-Akhtar Trust	01 Dec 2005	2	Al-Rashid Trust	01 Dec 2005
---	-----------------	-------------	---	-----------------	-------------

**NOTE:**

This list is updated as of 08<sup>th</sup> Feb, 2018 and prepared by NACTA based on the Notifications issued by Ministry of Interior. This list is not a legal document and cannot be presented in any Court of Law.

The undated website of the Countering Violent Extremism (CVE) Monitor also provides a list of Banned Organizations List by the Ministry of Foreign Affairs (MOFA).<sup>54</sup>

<sup>54</sup> Countering Violent Extremism (CVE) Monitor, [Banned Organizations List by Ministry of Foreign Affairs \(MOFA\)](#), undated [accessed 30 March 2018]

The undated website South Asian Terrorism Portal lists the following terrorist, insurgent and extremist groups in Pakistan (none are listed as in peace talks) and provides a detailed overview of each group, often documenting its: formation; objectives/ideology; leaders, areas of operation and strength; and proscription [follow active links for additional information]<sup>55</sup>:

Proscribed Terrorist/Extremist Groups	Active Terrorist/Insurgent Groups	Inactive Terrorist/Insurgent Groups	In Peace Talks/Ceasefire (Groups/Conglomerates)
1. <a href="#">Sipah-e- Sahaba Pakistan (SSP)</a> 2. <a href="#">Tehreek-e- Nafaz-e- Shariat-e- Mohammadi (TNSM)</a> 3. <a href="#">Lashkar-e- Jhangvi (LeJ)</a> 4. <a href="#">Sipah-e- Muhammad Pakistan (SMP)</a> 5. <a href="#">Tehreek-e- Jaferia Pakistan (TJP)</a> 6. <a href="#">Lashkar-e- Toiba (LeT)</a> 7. <a href="#">Jaish-e- Mohammad Mujahideen E-Tanzeem</a> 8. <a href="#">Rabita Trust</a> 9. <a href="#">Al-Rashid Trust</a> 10. <a href="#">Al-Akhtar Trust</a> 11. <a href="#">Tehrik-e- Jihad-e- Islami</a> 12. <a href="#">Tehrik-e- Nifaz-e- Fiqar Jafaria</a> 13. <a href="#">Tehreek-e- Taliban Pakistan (TTP)</a>	1. <a href="#">Tehreek-e-Taliban Pakistan (TTP)</a> 2. <a href="#">Hizb-ul- Mujahideen (HM)</a> 3. <a href="#">Harkat-ul- Ansar (HuA, presently known as Harkat-ul Mujahideen)</a> 4. <a href="#">Harkat-ul Mujahideen (HuM, previously known as Harkat-ul-Ansar)</a> 5. <a href="#">Al Badr</a> 6. <a href="#">Jamait-ul- Mujahideen (JuM)</a> 7. <a href="#">Lashkar-e- Jabbar (LeJ)</a> 8. <a href="#">Harkat-ul- Jihad-al- Islami (HUJI)</a> 9. <a href="#">Muttahida Jihad Council (MJC)</a> 10. <a href="#">Al Barq</a> 11. <a href="#">Tehrik-ul- Mujahideen</a> 12. <a href="#">Jammu &amp; Kashmir National Liberation Army</a> 13. <a href="#">People's League</a> 14. <a href="#">Muslim Janbaz Force</a> 15. <a href="#">Kashmir Jihad Force</a> 16. <a href="#">Al Jihad Force (combines Muslim Janbaz Force and Kashmir Jihad F</a> 17. <a href="#">Al Umar Mujahideen</a> 18. <a href="#">Mahaz-e- Azadi</a> 19. <a href="#">Islami Jamaat-e- Tulba</a> 20. <a href="#">Jammu &amp; Kashmir Students Liberation Front</a>	1. <a href="#">Lashkar-e- Omar (LeO)</a> 2. <a href="#">Jamaat-ul- Fuqra</a> 3. <a href="#">Nadeem Commando</a> 4. <a href="#">Popular Front for Armed Resistance</a> 5. <a href="#">Muslim United Army</a> 6. <a href="#">Harkat-ul- Mujahideen Al-alami (HuMA)</a> 7. <a href="#">Al Jihad</a> 8. <a href="#">Ummah Tamir-e- Nau</a> 9. <a href="#">Islami Inquilabi Mahaz</a> 10. <a href="#">Al Mustafa Liberation Fighters</a>	

<sup>55</sup> South Asian Terrorism Portal, [Pakistan - Terrorist, insurgent and extremist groups](#), undated current website, [accessed 29 March 2018]

	21. <a href="#">Ikhwan-ul-Mujahideen</a> 22. <a href="#">Islamic Students League</a> 23. <a href="#">Tehrik-e- Hurriat-e- Kashmir</a> 24. <a href="#">Muslim Mujahideen</a> 25. <a href="#">Al Mujahid Force</a>		
--	--	--	--

### Overview of major non-state actors' activities

The undated Council on Foreign Relations' Global Conflict Tracker reported that "Pakistan continues to face significant threats to its internal security from factions of the Tehrik-e-Taliban Pakistan (TTP) and other militant groups. [...] After Prime Minister Nawaz Sharif's efforts to negotiate a peace agreement with the TTP unraveled and militants attacked an international airport in Karachi, the government launched an offensive in June 2014 against militant strongholds in North Waziristan. Air strikes and clearing operations have continued throughout 2015 and into 2016. Pakistani military officials report that, as of June 2016, more than 3,500 militants have been killed and nearly 500 Pakistani soldiers have died in the fighting".<sup>56</sup> The same source contended that "The withdrawal of U.S. forces from Afghanistan could increase regional instability by allowing militants from Pakistan to establish a safe haven in a fragile Afghanistan. Additionally, acute instability in Pakistan has security implications for neighboring countries Afghanistan and India. The TTP is closely allied with the Afghan Taliban in its battle against Afghan troops, and India fears that anti-state and state-sponsored Pakistani militants could carry out cross-border terrorist attacks. Moreover, the vulnerability of Pakistan's nuclear arsenal to attack or theft by nonstate actors remains a major concern for U.S. and India policymakers".<sup>57</sup>

The U.S. Department of State 'Country Report on Terrorism' covering events in 2016 stated that "Major terrorist groups focused on conducting terrorist attacks in Pakistan included the Tehrik-e Taliban Pakistan (TTP), Jamaat-ul-Ahrar (JuA), and the sectarian group Lashkar-e-Jhangvi (LeJ). Islamic State's Khorasan Province (ISIS-K) claimed several major attacks against Pakistani targets, likely conducted in collaboration with other terrorist groups. Groups located in Pakistan, but focused on conducting attacks outside the country, included the Afghan Taliban, the Haqqani Network (HQN), Lashkar e-Tayyiba (LeT), and Jaish-e-Mohammad (JeM)".<sup>58</sup>

The same source further noted that "The Pakistan government supported political reconciliation between the Afghan government and the Afghan Taliban, but failed to take significant action to constrain the ability of the Afghan Taliban and HQN to operate from Pakistan-based safe havens and threaten U.S. and Afghan forces in Afghanistan. The government did not take any significant action against LeT or JeM, other than implementing an ongoing ban against media coverage of their activities. LeT and JeM continued to hold rallies, raise money, recruit, and train in Pakistan".<sup>59</sup>

<sup>56</sup> Council on Foreign Relation, [Global Conflict Tracker, Islamic Militancy in Pakistan](#), undated [accessed 20 April 2018]

<sup>57</sup> Council on Foreign Relation, [Global Conflict Tracker, Islamic Militancy in Pakistan](#), undated [accessed 20 April 2018]

<sup>58</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>59</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that “A total of 453 militants were killed in security operations this year. Leaving the unknown militants aside, the highest numbers of militants killed in these operations were from TTP, TTP-JA, TTP/TTP-JA, LeJ, TTP- Swat group, and others. A number of new militant outfits emerged this year. [...] Contrary to the claim of Pakistan’s Intelligence Bureau’s chief about the end of Daish in Pakistan, Daish emerged as the most lethal organization, claiming the highest number of fatalities in the country this year followed by LeJ-AA, TTP-JA, TTP, TTP/Daish, TTP-TGS (Taliban Special Group), TTP-Shehryar Mehsud, Afghan militants and others”.<sup>60</sup>

AP News reported in May 2017 that “Pakistan has been criticized for being selective in the militant groups it chooses to attack, ignoring those who wage war on neighbor India, against whom it has fought three wars and maintains a decades old dispute over the Himalayan state of Kashmir. Pakistan has also been accused of providing sanctuaries to Afghanistan’s Taliban, a charge it denies”.<sup>61</sup>

Reporting with regards to Pakistan starting to fence its border with Afghanistan the Washington Post noted in June 2017 that “military officials announced that they are proceeding with a long-stalled plan to build a fence and heighten security measures along the entire border, beginning with the mountainous, semiautonomous tribal regions of Khyber-Paktunkhwa province in the north and gradually extending the work south through the lawless desert badlands of Baluchistan province. This ambitious project, while unlikely to stop all human traffic, is aimed at sending a tangible signal to Afghanistan, and perhaps more importantly to officials in Washington, that Pakistan is a victim rather than a perpetrator of cross-border terrorism. Building a wall, military officials here assert, is the only way to control a border that has been permeable for far too long”.<sup>62</sup>

In an August 2017 ‘Critical Threats’ article it was argued that “The Pakistan military launched a major offensive targeting Salafi-jihadi groups in February 2017. The offensive responded to the infiltration of ISIS Wilayat Khorasan into Pakistan and an increase in attacks against Pakistani security forces and civilians by the Tehrik-e-Taliban Pakistan (TTP) and other militant groups. Operation Raddul Fasaad, or “Elimination of Strife,” seeks to eliminate the threat of terrorism throughout Pakistan. Operation Khyber IV, a sub-operation of Raddul Fasaad completed in August 2017, sought to prevent ISIS Wilayat Khorasan from further infiltrating Pakistan’s Federally Administered Tribal Areas (FATA) from Afghanistan. Both operations continue a well-established pattern of Pakistani efforts that do not fully align with American national security objectives and requirements in Afghanistan or the region”.<sup>63</sup>

In September 2017 the Jamestown Foundation reported that “Recent months have seen the sudden emergence in Pakistan of an organization calling itself Jamaat ul Ansar al-Sharia Pakistan. The new entity has been reported to be behind a series of five terror attacks in Karachi and Baluchistan province (*Geo News*, July 22). Information about the group is only now beginning to surface”.<sup>64</sup> The same source further explained that “Pakistan is an important stronghold for al-Qaeda. The group survived the U.S. invasion of Afghanistan by seeking refuge, aided by affiliated Pakistani Islamist terrorist groups, in tribal areas of Pakistan. Because of its close ties to Pakistani jihadist groups, the organization became

---

<sup>60</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Militants, Insurgents and Criminals*, p. 26

<sup>61</sup> AP News, [Islamic State group claims attack on Pakistan lawmaker](#), 12 May 2017

<sup>62</sup> Washington Post, [Pakistan, accused of terrorist infiltration, starts to fence its border with Afghanistan](#), 24 June 2017

<sup>63</sup> Critical Threats, [Pakistan’s Counter-Militant Offensive: Operation Raddul Fasaad](#), 25 August 2017

<sup>64</sup> Jamestown Foundation, [Jamaat ul Ansar al-Sharia: The New al-Qaeda Threat in Pakistan](#), 22 September 2017



a central terrorist organization for violent Pakistani Islamists of varying types, from local sectarian activists to Kashmiri militants”.<sup>65</sup>

According to the Jamestown Foundation reporting in November 2017, “A number of Pakistan’s Islamist organizations that agitate for the establishment of an Islamic caliphate but profess to be non-violent are finding renewed prominence, a concerning result of the surfacing of Islamic State’s (IS) local chapter, Wilayat-e-Khurasan. Islamist organizations such as Hizb ut Tahrir, Jamaat ul Momineena and Tanzeem-e-Islami have large followings in Pakistan, operating across the country and based mainly in the country’s major cities”.<sup>66</sup>

In a February 2018 article Combating Terrorism Center reported that “LeT, JeM, and HM have openly rejected both al-Qa`ida and ISJK’s pan-Islamist messages. For example, Syed Salahuddin, leader of HM, has specifically advised Kashmiri youth to reject Islamic State propaganda.<sup>19</sup> Collectively, the UJC maintains that the Kashmiri jihad does not have a global agenda, and the association of the local jihad with groups like al-Qa`ida and the Islamic State is the Indian government’s attempt to delegitimize the Kashmir movement.<sup>20</sup> While these groups frequently use Islamic rhetoric to reinforce their call for jihad, their goals have centered around channeling hostility toward India and calling for a political solution that enjoins Kashmir with Pakistan as well as a U.N. plebiscite.<sup>21</sup> Along similar lines, Geelani, chairman of APHC, has lumped ISJK with groups like Tehrik-i-Taliban and Boko Haram, declaring them un-Islamic and even a creation of the West with the goal of dividing Muslims”.<sup>67</sup>

A February 2018 Jamestown Foundation article explained that:

Most militant Islamist organizations in South Asia—and particularly in Pakistan—adhere to either the Deobandi-Sunni or Ahl-e-Hadith (Salafist) schools of Islam. Prominent among these are Deobandi organizations like Lashkar-e-Jhangvi, Harkat ul Jihad-e-Islami, Harkat ul Mujahedeen, Jaish-e-Mohammad, Lashkar-e-Omar and Tehreek-e-Taliban Pakistan. Meanwhile, al-Qaeda, Islamic State, Waliyat-e-Khurasan, Hizb-ut Tahrir and Lashkar-e-Taiba (LeT) adhere to the Salafist tradition.

By contrast, before the emergence of Tehreek-i-Labaik, no Islamist organization belonging to the Barelvi sect of Sunni Islam had been involved in violent activities. Sunni Tehreek, a Barelvi group that is now part of Tehreek-i-Labaik, was considered by some to have violent tendencies, but it was not a designated terrorist organization.

Barelvism is a South Asian variant of Sufi Islam and is widely practiced in the region. While there are no official figures, it is possible that about 70 percent of Pakistanis adhere to the Hanafi-Sunni sect of Islam, and of those more than half are Barelvi Sunni. As a consequence, Tehreek-i-Labaik considers itself to be the representative of Pakistan’s religious majority.<sup>68</sup>

### Islamic State

According to the Jamestown Foundation “IS announced the establishment of its regional chapter, Wilayat-e-Khurasan, just two months after the fall of Mosul in July 2014. Three Pakistani jihadist groups — Jundullah, Tehreek-e-Khilafat Pakistan and the Pakistani Taliban’s Shahidullah faction — immediately pledged allegiance to IS leader Abu Bakr al-Baghdadi. A number of organizations in Afghanistan, such as the Islamic Movement of Uzbekistan, and various Chechen Islamists also joined the group. In Pakistan, several urban cells associated with IS surfaced in the cities of Karachi, Lahore and Sialkot. Scores of terrorist attacks were perpetrated by these cells, especially in Karachi,

---

<sup>65</sup> Jamestown Foundation, [Jamaat ul Ansar al-Sharia: The New al-Qaeda Threat in Pakistan](#), 22 September 2017

<sup>66</sup> Jamestown Foundation, [Pakistan’s Tanzeem-e-Islami and Its Troublesome Extremist Links](#), 10 November 2017

<sup>67</sup> Combating Terrorism Center, [An Idea or a Threat? Islamic State Jammu & Kashmir](#), 9 February 2018

<sup>68</sup> Jamestown Foundation, [The Potential for a New Strand of Islamist Extremism in Pakistan](#), 26 February 2018

prompting a security crackdown”.<sup>69</sup> ACLED explained that “The Islamic State (IS) first appeared in Pakistan around April 2015, in the Tirah Valley area of Khyber Pakhtunkhwa, and has since established itself more thoroughly throughout the country”.<sup>70</sup>

In an October 2016 publication the Brookings Institution described ISIS’s influence in Pakistan as follows:

The emerging Islamic State (ISIS) does not directly challenge the established patterns of order, and does not deliver governance or local order of any kind in Pakistan, but it has created an ideological space for itself by creating deep divisions between the existing militant Islamist groups, like the JuD, Sipah-e-Sahaba Pakistan, and TTP.<sup>71</sup>

The U.S. Department of State ‘Country Report on Terrorism’ covering events in 2016 stated that “The Pakistan government has not joined the Global Coalition to Defeat ISIS, although it designated ISIS as a terrorist organization in 2015. Police and security forces detained and killed a substantial number of ISIS-affiliated terrorists”.<sup>72</sup>

In January 2017 the Jamestown Foundation reported that ‘Among the terrorist attacks that shook Pakistan last year, three jointly claimed incidents made clear that a branch of the Pakistani terrorist organization Lashkar-e-Jhangvi (LeJ) has formed an alliance with Islamic State (IS), one that is proving worryingly beneficial to both organizations. While there has been no pledge of allegiance to IS leader Abu Bakr al-Baghdadi, LeJ al-Alami, a faction of the broader LeJ network, claimed joint responsibility with IS for three mass-casualty attacks, all in Baluchistan province — two in Quetta district and one in Khuzdar district (Geo TV, October 6, 2016)”.<sup>73</sup>

In February 2017 the Hudson Institute reported that “Over the last week, jihadi offshoots claiming links to the Islamic State (IS) have demonstrated their capacity to strike in each one of Pakistan’s four provinces. Jamaat-ul-Ahrar, a faction of the Taliban, publicly claimed responsibility for some of the attacks and threatened to attack further Shia, Ahmadi and Pakistan military targets as part of its ‘Operation Ghazi’. Simple research on Jamaat-ul-Ahrar and other similar groups reveals that their members are homegrown Punjabi jihadis ideologically convinced of their narrow sectarian worldview”.<sup>74</sup>

Reuters noted in an August 2017 article that “‘ISIS (Islamic State) has no formal structure (in Pakistan). It works on a franchise system and that is the model that is being used in Pakistan,’ senior Counter Terrorism Department (CTD) officer Raja Umer Khattab told Reuters. By that he said he meant Islamic State could claim attacks as its own, even if it had no direct role in coordinating them”.<sup>75</sup>

---

<sup>69</sup> Jamestown Foundation, [Pakistan’s Tanzeem-e-Islami and Its Troublesome Extremist Links](#), 10 November 2017

<sup>70</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>71</sup> Brookings Institution, [Reconstituting Local Order in Pakistan: Emergent ISIS and Locally Constituted Shariah Courts in Pakistan](#), October 2016, *ISIS influence in Pakistan* p.13

<sup>72</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>73</sup> Jamestown Foundation, [Lashkar-e-Jhangvi al-Alami: A Pakistani Partner for Islamic State](#), 27 January 2017

<sup>74</sup> Hudson Institute, [The Fight Pakistan Must Wage Within](#), 18 February 2017

<sup>75</sup> Reuters, [Would-be suicide bomber sheds light on suspected Pakistani militant web](#), 7 August 2017



ACLED also reported that between 1 January 2017 and 3 March 2018 the Islamic State was involved in 14 events in Pakistan which resulted in 176 reported fatalities and provides a map documenting the location of these events.<sup>76</sup> ACLED further noted in a 1 March 2018 Analysis piece that:

In 2016, the number of organized violence events involving IS militants doubled throughout Pakistan. The group established a presence in Balochistan, taking advantage of unrest in the province related to the separatist insurgency as well as developing cells in Lahore, Karachi, and several medium-sized cities in Punjab province. Police supported by CTD agents instigated most of the battles with IS in 2016, as they were tasked with rooting out cells before the militants could establish themselves further [...].

In 2017 and into 2018, IS' focus has shifted towards the border regions with Afghanistan in Balochistan, Khyber Pakhtunkhwa, and FATA. However, the group still retains a presence in Karachi. Notably, while IS claimed responsibility for one major suicide attack in Khuzdar district the previous year, there were four such attacks in 2017, half of which occurred in Balochistan province. This shift to more blatant acts of violence against civilians implies a desire to remain relevant in the Pakistan context despite losing ground in CTD raids (see Figure 3).<sup>77</sup>

### **3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties**

As elucidated by EASO it should be noted that "Varying figures on civilian fatalities are provided by four different research institutes based on different definitions and variables. It is difficult to interpret these figures since not all of these institutes outline clear methodologies. The four research institutes that present figures about the situation in 2016 are the Pakistani Institute for Peace Studies (PIPS), the Centre for Research and Security Studies (CRSS), the South Asia Terrorism Portal (SATP) and the Pakistan Institute for Conflict and Security Studies (PICSS)".<sup>78</sup> The same source provides a useful analysis comparing the different figures on civilian fatalities provided by the four research institutes in 2015 and 2016.

#### *Security overview in 2016*

The Asia Foundation provided the following overview of the security situation in Pakistan in 2016:

Pakistan's security landscape remains volatile and complex due to sectarian and ethno-political tensions and the intricate web of terrorist and militant groups in the country. In 2016, Pakistan saw 749 violent incidents that killed 1,887 people by various forms of violence related to politics and elections, terrorist attacks, security operations against terrorist groups and armed insurgents, ethno-political tensions, and sectarian cleavages. The overall number of violent incidents fell by 32 percent from 2015 to 2016, and fatalities fell by 46 percent in the same period. Terrorist attacks were the most common form of violent incident reported. The decrease in violent incidents and fatalities is largely attributable to military-led operations throughout the country. Due to the heavy crack-down on terrorist and militant groups in the tribal areas, however, terrorist activities are spreading from the border region to many parts of the country.<sup>2</sup> In 2016, Balochistan was the region most affected by terrorist attacks, accounting for 34 percent of all attacks and 45 percent of deaths from terrorism. Changing dynamics of

---

<sup>76</sup> ACLED, [Recent Trends in Political Violence & Protests involving the Islamic State](#), 12 March 2018

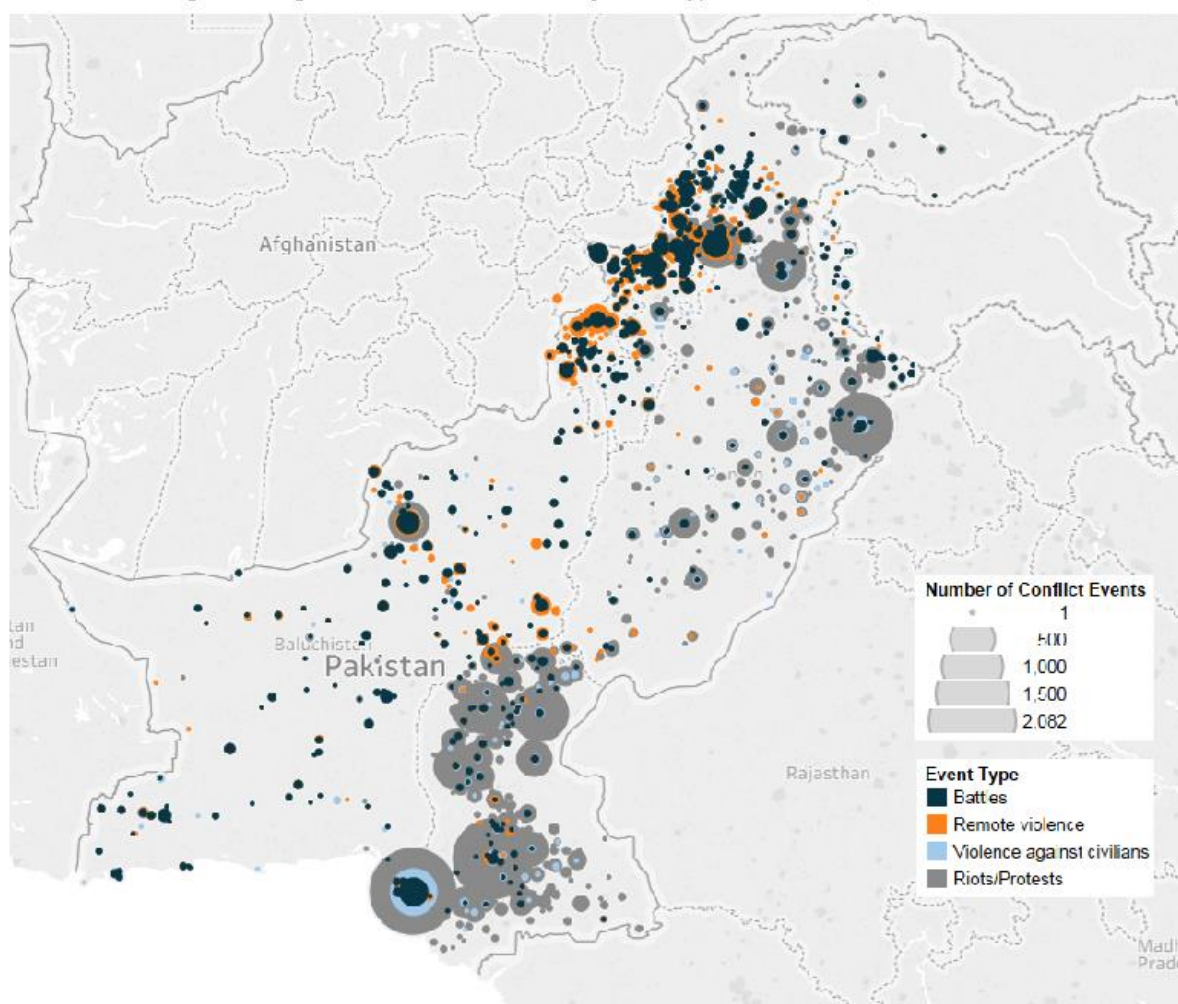
<sup>77</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>78</sup> European Asylum Support Office (EASO), [Country of Origin Information \(COI\) Report 'Pakistan security situation'](#), 4 August 2017, 1.4.1. *Figures on civilian fatalities* p.37

unrest and insecurity in Balochistan indicate that the province faces a larger threat from terrorist and militant groups, as seen in Quetta and Khuzdar, than from Baloch nationalist insurgents.<sup>79</sup>

ACLED records regional violence in Pakistan by the following ‘event’ types; Violence against civilians’; ‘Remote violence’; ‘Riots/Protests’; and ‘Battles’ and this can be downloaded by region.<sup>80</sup> The following ACLED map documents regional violence in Pakistan by event type and location in 2016<sup>81</sup>:

**Figure 1: Regional Violence in Pakistan by Event Type and Location, 2016.**



According to an ACLED analysis piece reporting on the situation from 2010-2016, “Each province’s violence suggests the highly regionalized nature of conflict and risk in Pakistan, but also the key linkages between its regions”.<sup>82</sup>

The National Consortium for the Study of Terrorism and Responses to Terrorism (START) – Global Terrorism Database (GTD) details 13,634 terrorist events in Pakistan from 1970 up to the end of 2016, documenting the date, location, perpetrator, number of fatalities and injured and target.<sup>83</sup>

<sup>79</sup> Asia Foundation, [The State of Conflict and Violence in Asia, Pakistan chapter](#), 18 October 2017

<sup>80</sup> ACLED, [Data](#), regularly updated

<sup>81</sup> ACLED, [Regional Violence in Pakistan by Event Type and Location, 2016](#), 7 February 2017

<sup>82</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>83</sup> National Consortium for the Study of Terrorism and Responses to Terrorism (START). (2017). Global Terrorism Database [Data file]. Retrieved from <https://www.start.umd.edu/gtd>

The U.S. Department of State ‘Country Report on Terrorism’ covering events in 2016 stated that:

The number of terrorism-related civilian deaths in 2016 was approximately 600, far lower than the peak years of 2012 and 2013, when terrorist acts killed more than 3,000 civilians each year (according to the South Asia Terrorism Portal). Terrorists used a range of tactics – stationary and vehicle-borne improvised explosive devices (IEDs), suicide bombings, targeted assassinations, and rocket-propelled grenades – to attack individuals, schools, markets, government institutions, and places of worship. The Pakistani government continued to implement the national action plan against terrorism with uneven results. Progress remained slow on regulating madrassas, blocking extremist messaging, empowering the National Counter Terrorism Authority (NACTA), cutting off terrorist financing, and strengthening the judicial system. Despite its extensive security infrastructure, the country suffered major attacks, particularly in Balochistan.<sup>84</sup>

The same source further noted with regards to the state response to terrorism that:

Military, paramilitary, and civilian security forces conducted counterterrorism operations throughout Pakistan. The NACTA received a significant budget in July. The Intelligence Bureau has nationwide jurisdiction and is empowered to coordinate with provincial counterterrorism departments. The Ministry of Interior has more than 10 law enforcement-related entities under its administration, although some are under the operational control of the military. Each province has a counterterrorism department within its police force. [...]

Specialized law enforcement units often lacked the equipment and training needed to implement the enhanced investigative powers provided by counterterrorism legislation. Interagency information sharing was sporadic with no integrated database capability. NACTA did not make significant progress in operationalizing the Joint Intelligence Directorate, intended to coordinate civilian and military counterterrorism information sharing. ATA courts moved slowly in processing terrorism cases due to the overly broad definition of terrorism offenses in the ATA. Some ATA courts attempted to transfer cases that were not terrorism-related back to the regular courts. Prosecutors had a limited role during the investigation of terrorism cases, and jurisdictional divisions among military and civilian security agencies hampered investigations and prosecutions, which sometimes also lacked sufficient evidence. Terrorist groups intimidated witnesses, police, victims, prosecutors, defense lawyers, and judges. All of these factors contributed to high acquittal rates in ATA courts.<sup>85</sup>

The Landmine & Cluster Munition Monitor reported that “In 2016, the Monitor identified 161 casualties from mines/ERW, including victim-activated IEDs, in the Islamic Republic of Pakistan. Half of all casualties (80) in 2016 were civilians. At least 27 were children. Military and security forces (including militia and militants) represented the remaining 81 recorded casualties”.<sup>86</sup> This compared to 132 casualties in 2015.<sup>87</sup> Furthermore “Khyber Pakhtunkhwa (KPK, formerly North-West Frontier Province), the Federally Administered Tribal Areas (FATA), and Balochistan continued to have the highest numbers of mine/ERW casualties in Pakistan; the combined annual totals for these areas accounted for more than 98% of all mine/ERW casualties in Pakistan in 2015”.<sup>88</sup>

### *Security overview in 2017*

According to the Hudson Institute reporting in February 2017, “The country’s military still sees terrorism in the context of its geo-strategic vision. The jihadis responsible for attacks within Pakistan are deemed ‘agents’ of Indian intelligence or the Afghanistan National Directorate of Security (NDS).

---

<sup>84</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>85</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>86</sup> Landmine & Cluster Munition Monitor, [Pakistan Casualties](#), 27 October 2017

<sup>87</sup> Landmine & Cluster Munition Monitor, [Pakistan Casualties](#), 27 October 2017

<sup>88</sup> Landmine & Cluster Munition Monitor, [Pakistan Casualties](#), 27 October 2017

For Pakistan's military, Pakistan has only one enemy and all acts of violence against Pakistanis must be attributed only to that enemy".<sup>89</sup>

In a May 2017 article the Cairo Review of Global Affairs noted with regards to the state's response to extremism that:

The narrative on terrorism and extremism put forth by the prime minister and the broader Pakistani state remains one-dimensional, skin-deep, and obfuscating. Pakistan's leaders do not even call the terrorist groups that target its citizens by name; they refer to them obliquely as those who sow chaos, and those who seek to destabilize the country. The strategy is often to blame other countries, notably Pakistan's neighbors Afghanistan and India, for sponsoring terrorism within Pakistan to these ends. Until Sharif demonstrates an introspective approach on extremism, countering it will prove elusive. At this point the fight against extremism in Pakistan has come to be embodied in the National Action Plan, a twenty-point list the government released after the 2014 Peshawar school attack. The "plan" combines anti-extremism and counterterrorism policy, and mixes goals and outcomes with actions. On the list are such measures as reinstating the death penalty for terrorists and strengthening Pakistan's counterterrorism authority, combined with soft measures such as eliminating religious persecution, regulating madrasas, eliminating hate literature, and ending the glorification of terrorists. Yet the twenty points of the National Action Plan fail to acknowledge the state's own culpability in fostering extremism. If Pakistan is to move past extremism, it needs to address how the state has allowed fundamentalist interpretations of Islam to thrive in the country.<sup>90</sup>

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan gave a presentation in which he summarised the security situation in Pakistan thus:

Over the last few years it may look like Operation Zarb-e-Azb, ZEB, as we call it in Pakistan in its short form, launched by general Raheel Sharif in June 2014, is what caused a significant turnaround in the security situation in Pakistan and that Pakistan was on the verge of chaos before ZEB. But Zarb-e-Azb itself was a culmination of a longer strategy and so it should not be seen in isolation. By the time ZEB happened in North Waziristan agency, it was the final agency in which a military operation had been launched by the military. If you go back to 2007, 2008 and 2009, the overall military strategy had always envisaged North Waziristan being the final area in which a counter-insurgency campaign would be waged.

So the great benefits that people have seen in terms of the marked decline in violence in Pakistan is often attributed to Zarb-e-Azb and that particular operation. But it was because of a number of military operations, counter-insurgency campaigns, that were carried out before and counter terrorism operations in the cities that have combined to create a sense of relative security in the country. If you look at the numbers in the South Asian terrorism portal, 2007 to 2010 were the worst years in terms of losses suffered because of terrorism. This year there has been 448 security forces personnel killed so far. In 2013, it was 3000. So you're seeing a significant decline.

What has changed though is that while there are fewer incidents of violence, the death toll in some attacks have been enormous. Fewer, but big attacks have continued. We have seen bombings this year in Parachinar and in Khyber Agency and just this month in Balochistan at a Shrine. Less frequent attacks can mean a sense of relative calm during the lulls, but when an attack does happen it causes a great deal of damage.<sup>91</sup>

In November 2017 the Assessment Capabilities Project noted that:

---

<sup>89</sup> Hudson Institute, [\*The Fight Pakistan Must Wage Within\*](#), 18 February 2017

<sup>90</sup> Cairo Review of Global Affairs, [\*Extremism Watch in Pakistan\*](#), 24 May 2017

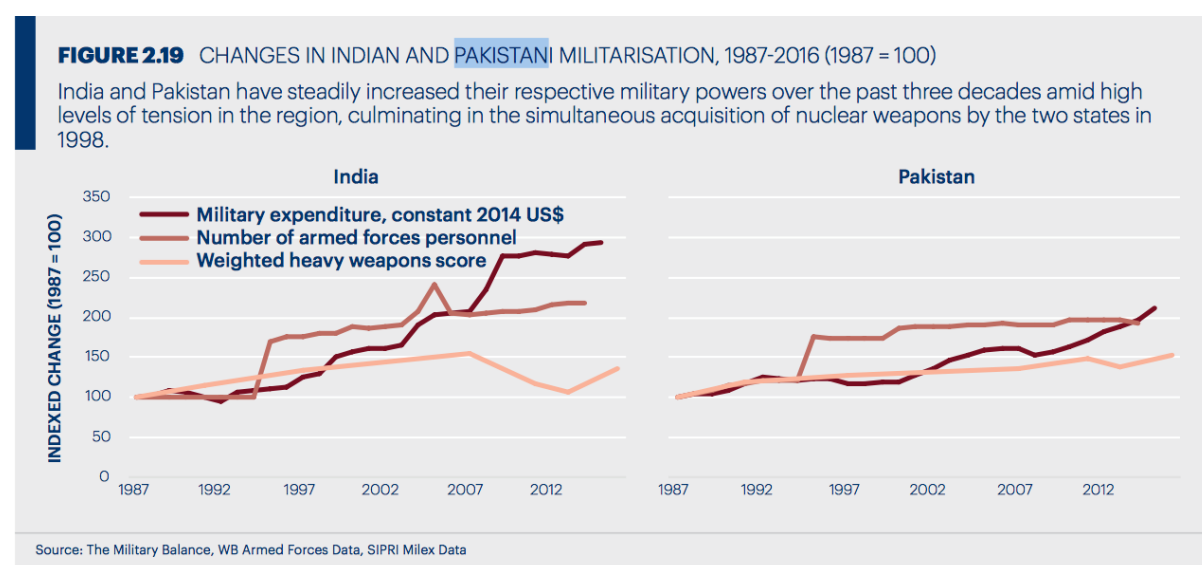
<sup>91</sup> [Cyril Almeida] EASO, [\*EASO COI Meeting Report Pakistan 16-17 October 2017 Rome\*](#), February 2018, 1.2 *Security and violence in Pakistan*, p.19

The security situation has improved in several areas of Pakistan following security operations that have taken place in 2016 and 2017, but sectarian violence continues to affect the security situation particularly in Balochistan and FATA areas. In the first half of 2017, Pakistan has seen 942 casualties from IED attacks, including 840 civilians (89%). This is 22% higher than the number of civilian casualties recorded in the first half of 2016. Majority of the IED attacks during first half of 2017 have taken place in Kurram Agency, FATA. In 2016, over 1,500 people died or were injured in attacks where improvised explosive devices (IEDs) were used.

Balochistan is affected by a prolonged separatist insurgency and by the government's violent response to it. In the disputed region of Kashmir, conflict flares sporadically at the Line of Control dividing Pakistan and India. As of mid-July the Pakistani military has started a major operation against the Islamic State (IS) in the northwestern region along the Afghan border.

Armed group-related fatalities have been decreasing since 2014, when the count stood at 5,496. In 2016, the number was 1,803. In the first eight months of 2017, the count stands at 958.<sup>92</sup>

Pakistan was ranked 152 out of 163 countries in the Institute for Economics and Peace's Global Peace Index 2017.<sup>93</sup> The same source ranked Pakistan the third least peaceful country in 2017, in terms of the 'ongoing conflict domain', behind only Afghanistan and Syria.<sup>94</sup> It provides the following infographic<sup>95</sup>:



The Institute for Economics and Peace's 2017 Global Terrorism Index ranked Pakistan fifth in the world (after Iraq, Afghanistan, Nigeria and Syria), and recorded that:

For the third consecutive year Pakistan has witnessed fewer terrorist attacks and deaths. In 2016, there were 956 deaths from terrorism; the lowest number in a decade. This is a 12 per cent decrease from the previous year and a 59 per cent decline from the peak in 2013.

These improvements are notable as Pakistan has a long history of high levels of terrorism and this year's result is the best in a decade. Since 2007, Pakistan has ranked as at least the fourth worst country for terrorism and on six occasions was ranked second.

<sup>92</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 1 November 2017, *Overview*

<sup>93</sup> Institute for Economics and Peace, *Global peace Index 2017* (interactive webpage), 2017, *Pakistan*

<sup>94</sup> Institute for Economics and Peace, *Global peace Index 2017* (full report), 2017, *Results*, Table 1.3 p. 13

<sup>95</sup> Institute for Economics and Peace, *Global peace Index 2017* (full report), 2017, *Militarisation in Emerging Powers*, Figure 2.19 p.46



The trend of reduced deaths reflects the decline in activity of Tehrik-i-Taliban Pakistan (TTP); which has killed the most people in Pakistan. Since 2000, TTP has been responsible for at least 4,500 deaths, which account for over half of all deaths from terrorism by known groups.

The reduction in deaths from terrorism is in part attributable to Operation Zarb-e-Azb by the Pakistani Army; a military effort which started in mid-2014. The operation focused on destroying militant safe havens in the North Waziristan district of the federally administered tribal areas. As a result of this operation, the military estimates that over 3,500 TTP members have been killed. It is also assumed that many more members have fled into Afghanistan, which unfortunately has bolstered the number of Taliban fighters in Afghanistan.

TTP was responsible for 283 deaths in 2016, which accounted for 30 per cent of total deaths from terrorism that year. However it should be noted that 30 per cent of all deaths are not claimed by any group. Most of these deaths resulted from suicide bombings. The largest bombing targeted Christians celebrating Easter Sunday at Gulshan-e-Iqbal Park in Lahore and killed 79 people. This was the deadliest attack in Pakistan since the 2014 attack on the Army Public School in Peshawar which killed 151 people. Other groups active in Pakistan include the ISIL-affiliated Khorasan Chapter of the Islamic State. This chapter, which also operates in Afghanistan, was responsible for 16 per cent of deaths in Pakistan. Lashkar-e-Jhangvi, a Sunni jihadist group, continued to be active in Pakistan in 2016 and accounted for 11 per cent of deaths. At least seven different Baloch nationalist groups in the southwest undertook attacks in 2016 which resulted in 61 deaths from 60 separate attacks.<sup>96</sup>

The Heidelberg Conflict Barometer for 2017 recorded that “Sunni militants continued to attack security forces and civilians, especially religious minorities, in Pakistan. In the middle of February, an IS-affiliated suicide bomber killed 88 people and injured another 343 at the shrine of a Sufi saint in Sehwan, southern Sindh province [...]. The conflict over secession in Balochistan province continued. Militants specifically targeted civilians from other provinces or laborers working on construction sites linked to the China Pakistan Economic Corridor, which is opposed by separatists for allegedly exploiting the Baloch province and its people [...]”<sup>97</sup> The same source further noted with regards to Islamist Militant Groups in Pakistan that:

The war over national power and the orientation of the political system between various Islamist groups, most prominently the Tehrik-e-Taliban (TTP), its splinter group Jamaat-ul- Ahrar (JuA), Lashkar-e-Jhangvi (LeJ), and al-Qaeda, on the one hand, and the government, supported by the United States, on the other, de-escalated to a limited war for the first time since 2008.

A total of at least 576 people were killed and 435 injured throughout the year. Most fatalities were counted in the Federally Administered Tribal Areas (FATA), followed by the provinces Punjab, Khyber-Pakhtunkhwa (KP), Sindh, and Balochistan.<sup>98</sup>

The report documented with regards to Sunni militants-religious groups that “The violent crisis over subnational predominance between Sunni militant groups and religious minority groups, especially Shiites, Ahmadis, Sufis, and Christians, continued. Lashkar-e-Jhangvi (LeJ), Jamaat-ul-Ahraar (JuA) and the so- called Islamic State (IS) claimed responsibility for a majority of the attacks. Throughout the year, at least 240 people were killed and at least 809 injured, mostly in IEDs attacks or shootings. IS claimed responsibility for two attacks against Sufi Muslims”<sup>99</sup>.

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation thus:

---

<sup>96</sup> Institute for Economics and Peace, [2017 Global Terrorism Index](#), 2017, *Pakistan* p.26

<sup>97</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Asia and Oceania* p.135

<sup>98</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Islamist Militant Groups)*

<sup>99</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Sunni Militant -Religious Groups)* p.160

The past year continued the trend of declining violence over the last three years, with many outlaws arrested or convicted. Although the drop in violence-related fatalities was countrywide, the change fluctuates regionally, owing to several factors, including geo-political scenario alterations in the militant strategy.

Internationally and domestically, terrorism has witnessed a decline. Daish lost territory in Iraq and Syria, while Tehreek-e-Taliban Pakistan (TTP) lost its sanctuaries in the tribal regions of Pakistan. However, territorial loss does not translate to complete elimination, as they continued sporadic attacks throughout the year. Domestically, religious parties in favor of the militants either openly supported the Taliban or provided support in elections for the candidates who were considered to be affiliated with some banned outfits. Blasphemy accusations witnessed a sharp rise in the country involving social activists, media persons, and political party leaders like Imran Khan. A sit-in at Faizabad by a newly formed religious party, Tehreek-e-Labbaik Ya Rasool Allah (TLYR) was also in opposition to altering blasphemy laws.

The shrinking operational space for militant groups has forced them to change their tactics, thus complicating and testing the security response. Militants also changed their focus to try and inflict damage that would legitimize their presence. Violence along neighboring borders increased significantly. The cross border attacks by the Afghan based militants revealed that a majority of them were Pakistani militants who had crossed borders during the Zarb-e-Azb operation. Additionally, of special consideration is the target killing and battering of media persons in various incidents across the country.<sup>100</sup>

CRSS provided the following table documenting fatalities from violence in Pakistan<sup>101</sup>:

<b>Province/Region</b>	<b>Fatalities</b>	<b>Injured</b>	<b>Casualty</b>
AJK	0	6	6
Balochistan	489	584	1073
FATA	436	535	971
GB	0	0	0
Islamabad	16	107	123
KP	192	194	386
Punjab	469	269	738
Sindh	455	379	834
<b>Total</b>	<b>2057</b>	<b>2074</b>	<b>4131</b>

CRSS further noted that “Of the top five districts with the highest fatalities, three were provincial capitals – Karachi, Lahore and Quetta. Kurram Agency in FATA, and Sehwan Sharif in Dadu District, Sindh had the highest amount of violence this year”.<sup>102</sup> The same source described with regards to the nature of violence and methods used that “Target killings dropped by 40%, from 559 fatalities in 2016 to 351 this year. Armed attacks and indiscriminate firing left 109 persons dead this year versus 121 in 2016. The fatalities from suicide attacks also came down from 375 last year to 298 this year. The highest drop recorded this year was in counter-violence security operations (1,151 fatalities in 2016

<sup>100</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Executive Summary* p. 6

<sup>101</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities from Violence in Pakistan* p. 8

<sup>102</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities from Violence in Pakistan* p. 11

to 664 in 2017) which is more than 40%".<sup>103</sup> The same source provided the following table detailing the cause of fatalities by province<sup>104</sup>:

<b>Table 21: Fatalities from violence in Pakistan - 2017</b>						
Province/Region	Target Killings	Militant attacks		Other Terrorism	Drone attacks	Security Operations
		Other	Suicide			
<b>Sindh</b>	84	11	88	1	0	191
<b>Balochistan</b>	104	44	106	70	0	120
<b>KP</b>	82	24	12	6	2	57
<b>Punjab</b>	66	9	45	15	0	229
<b>FATA</b>	10	21	47	168	24	67
<b>Islamabad</b>	5	0	0	0	0	0
<b>AJK</b>	0	0	0	0	0	0
<b>GB</b>	0	0	0	0	0	0
<b>Total of 2017</b>	<b>351</b>	<b>109</b>	<b>298</b>	<b>260</b>	<b>26</b>	<b>664</b>
<b>Percentage of total</b>	<b>20.6</b>	<b>6.4</b>	<b>17.5</b>	<b>15.3</b>	<b>1.5</b>	<b>39.0</b>

Note that the CRSS also provides quarterly security reports.<sup>105</sup>

In comparison the South Asia Terrorism Portal recorded that:

According to partial data compiled by the South Asia Terrorism Portal (SATP), since the beginning of 2018, at least 150 terrorism-related fatalities [46 civilians, 51 Security Force (SF) personnel and 53 terrorists] have been recorded across Pakistan (data till April 8, 2018). In the corresponding period of 2017, the country recorded 449 terrorism-related fatalities (184 civilians, 55 SF personnel, and 210 terrorists).

Through 2017, Pakistan had recorded a total of 1,260 fatalities, including 540 civilians, 208 SF personnel, and 512 terrorists in 2017; as against 1,803 fatalities, including 612 civilians, 293 SF personnel, and 898 terrorists in 2016.

The number of major attacks (involving three or more fatalities) and the resultant fatalities, fell from 172 and 1,369, respectively in 2016, to 132 and 1,047, respectively, in 2017. In the current year, 17 major incidents have already been recorded, resulting 90 fatalities.

The number of sectarian attacks also declined from 35 in 2016 to 16 in 2017. However, the related deaths from such incidents marked a 68.61 per cent increase, from 137 in 2016 to 231 in 2017. The most deadly sectarian attack in 2018 came on February 16, when a suicide bomber attacked the crowded Sufi shrine of Lal Shahbaz Qalandar in Sehwan Sharif town of Jamshoro District in Sindh, killing at least 88 people and injuring 343 others. It was the worst attack, in terms of fatalities, recorded in Pakistan since the December 16, 2014, Army Public School (APS), Peshawar, attack, which had claimed 150 fatalities, including 143 civilians.

Meanwhile, the number of suicide attacks increased from 19 in 2016 to 22 in 2017. However, the resultant toll decreased from 401 fatalities in 2016, to 369 in 2017.

The relative respite from terror through 2017 was primarily due to Operation Radd-ul-Fasaad (Elimination of Discord), launched by the Pakistan Army across the country on February 22, 2017. On December 18, 2018, Major General Sahir Shamshad Mirza, Director General of Military Operations

<sup>103</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Nature and Methods of Violence Used* p. 29

<sup>104</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Nature and Methods of Violence Used* p. 29

<sup>105</sup> Center for Research and Security Studies (CRSS), [Quarterly Security reports](#), updated quarterly



(DGMO), briefing the Senate on action taken by SFs under Operation Radd-ul-Fassad, disclosed that 17,685 operations had been conducted across Pakistan: 13,011 in Punjab; 2,015 in Sindh; 1,410 in Balochistan; and 1,249 in Khyber Pakhtunkhwa (KP) and the Federally Administered Tribal Areas (FATA).<sup>106</sup>

The SATP provided the following breakdown of fatalities in Pakistan by region<sup>107</sup>:

Pakistan Region-wise				
	Civilians	SFs	Terrorists	Total
Balochistan	183	77	83	343
FATA	170	54	167	391
Islamabad Capital Territory	1	1	0	2
KP	40	26	57	123
Punjab	32	27	99	158
Sindh	114	23	106	243
PoK				
Gilgit-Baltistan	0	0	0	0
Azad Kashmir	0	0	0	0
Total	540	208	512	1260

The same source also provides detailed data sheets of major incidents of terrorism-related violence in Pakistan by year.<sup>108</sup>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 that:

Year 2017 witnessed 950 overall violent incidents (security forces actions and militant attacks combined) in which 1395 people were killed while 1965 others were injured. When compared with 2016, there has been more than 41 percent reduction in overall incidents and almost 25 percent reduction in deaths while number of injured have gone up by more than two percent. Civilians continued to be the worst sufferers as 585 civilians were killed 1580 others injured followed by 561 killings belonging to militants. 249 security personnel lost their lives while 331 others injured. Thus those among killed, 42 percent were civilians, 40 percent militants and 18 percent security forces personnel while among those injured almost 80 percent were civilians, 17 percent security forces personnel and only three percent militants. When compared with previous year, civilians casualties increased by almost 14 percent while deaths among militants and security forces personnel decreased by more than 43 percent and almost 26 percent, respectively. [...]

Balochistan was the most troubled province/ region from where almost 32 percent of deaths were reported followed by KPK with 24 percent of deaths and Sindh with almost 20 percent of total deaths. Punjab had almost 12 percent share of the total deaths outnumbering FATA from where almost 11 percent of total deaths were reported. [...]

A further reduction in militant attacks in the country has been observed during 2017 as 420 militant attacks were reported as compared to 513 militant attacks that were recorded in 2016. In these 420 militant attacks, 912 people were killed while 1877 others were injured as compared to 970 casualties and injuries to 1844 others in 2016. Thus the year witnessed almost 18 percent reduction in militant attacks and six percent reduction in resultant deaths while the number of injured has gone up by almost

<sup>106</sup> South Asia Terrorism Portal, [Pakistan: Assessments- 2018](#), undated [accessed 17 May 2018]

<sup>107</sup> South Asia Terrorism Portal, [Fatalities in Pakistan Region Wise: 2017](#), undated [accessed 17 May 2018]

<sup>108</sup> South Asia Terrorism Portal, [Pakistan Data Sheets](#), Updated till May 13, 2018

two percent. It may be noted that number of injuries had also witnessed an increase last year suggesting that militants have resorted to those type of attacks that caused more injuries.<sup>109</sup>

PICSS also provided the following breakdown of incidents by region and profile of person killed and injured:<sup>110</sup>

*Table 2: Regional Distribution of overall incidents in 2017*

Region	Nos	Killed					Injured					Arst	Kdnp
		SFP	RZ	M	C	Total	SFP	RZ	M	C	Total		
AJK	6	0	0	0	1	1	0	0	0	5	5	12	0
Balochistan	320	87	0	128	208	423	153	0	2	445	600	660	19
FATA	160	70	0	152	206	428	95	0	52	491	638	81	17
GB	2	0	0	0	0	0	0	0	0	0	0	14	0
ICT	6	1	0	0	0	1	0	0	0	0	0	4	1
KPK	179	43	0	56	43	142	52	0	0	136	188	550	8
Punjab	135	30	0	106	34	170	4	0	0	208	212	302	0
Sindh	142	18	0	119	93	230	27	0	0	295	322	158	0
<b>Total</b>	<b>950</b>	<b>249</b>	<b>0</b>	<b>561</b>	<b>585</b>	<b>1395</b>	<b>331</b>	<b>0</b>	<b>54</b>	<b>1580</b>	<b>1965</b>	<b>1781</b>	<b>45</b>

Key: SFP (Security Forces Personnel) RZ (Razakar (Pro government tribal militias), M (Militant), C (Civilian). The same source also provides a detailed breakdown of militant attacks by type.<sup>111</sup>

In the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies (PIPS) documented that in 2017 there were in total 713 incidents which resulted in the deaths of 1,611 people and the injury of a further 2,212.<sup>112</sup> The same source provided a table of the nature of overall incidents of violence. The full report is available for a fee [here](#).

Of these 713 incidents, 370 were classified as terrorist attacks and PIPS provided a table which detailed these 370 terrorist attacks by region.<sup>113</sup> In a press release for its ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies recorded that “Down 16% from the year before, 370 terrorist attacks took place in Pakistan killing 815 and injuring 1,736 people”.<sup>114</sup>

The press release for the 2017 PIPS report documented that:

- Balochistan and FATA, mainly Kurram Agency, remained critical areas with 288 and 253 terrorism-related killings, respectively, in 2017 [...]
- Up 131 percent from previous year, 171 cross-border attacks took place from Pakistan’s borders with India, Afghanistan, and Iran, killing 188 people and wounding 348 others. [...]

<sup>109</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *OVERALL SECURITY SITUATION/ NATIONAL SECURITY PROFILE* p.11 and *COUNTRYWIDE MILITANT ATTACKS* p.13

<sup>110</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *OVERALL SECURITY SITUATION/ NATIONAL SECURITY PROFILE* p.12

<sup>111</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *TYPE OF MILITANT ATTACKS – AN ASSESSMENT* p.16

<sup>112</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>113</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>114</sup> Pak Institute for Peace Studies, [Tehreek-e-Taliban Pakistan still the most potent threat, followed by nationalist insurgents – PIPS “Pakistan Security Report 2017”](#), 7 January 2018

The report tallied that militant, nationalist/insurgent and violent sectarian groups carried out, in all, 370 terrorist attacks in 64 districts of Pakistan during the year 2017 – including 24 suicide and gun-and-suicide coordinated attacks, killing 815 people, besides injuring 1,736. These attacks posted a 16 per cent decrease from the total in the previous year; even the number of people killed fell by 10 per cent.<sup>115</sup>

Reporting with regards to the perpetrators of terrorist attacks the same source noted:

- Down 16% from the year before, 370 terrorist attacks took place in Pakistan killing 815 and injuring 1,736 people [...]
  - TTP, Jamaatul Ahrar and others with similar objectives perpetrated 58% attacks, while 37% and 5% of the attacks were carried out by nationalist insurgents and violent sectarian groups respectively. [...]
  - Security forces and law enforcement agencies killed 524 militants in military/security operations as well as armed clashes and encounters. [...]
- Despite a 16% decline in terrorist attacks in 2017, Tehreek-e-Taliban Pakistan and its associated groups remained the most potent threat; they were followed by nationalist-insurgent groups, especially Balochistan Liberation Army and Balochistan Liberation Front. What has been quite alarming is the increasing footprints of Daesh, especially in Balochistan and northern Sindh, carrying out the deadliest attacks. [...]
- Of these attacks, as many as 213, or 58 per cent, were perpetrated by Tehreek-e-Taliban Pakistan (TTP), its splinter groups mainly Jamaatul Ahrar and other militant groups with similar objectives such as local Taliban groups, killing 186 people. Meanwhile, nationalist insurgent groups, mostly in Balochistan and a few in Sindh, carried out 138 attacks, or 37 per cent of the total, killing 140 people. As many as 19 terrorist attacks were sectarian-related, in which killed 71 people and inflicted injuries on 97 others.<sup>116</sup>

According to Action on Armed Violence (AOAV), Pakistan was the country with the fourth most civilian deaths and injuries from explosive weapons in 2017, following Syria, Iraq and Afghanistan, an increase from rank six in 2016.<sup>117</sup> The same source further described that:

A moderate increase in the total number of casualties in 2017 compared to 2016 (2,136 casualties in 2016; 2,581 in 2017), masks the reality that the number of civilians killed or injured in 2017 jumped by almost 51%, as opposed to Pakistani soldiers and armed actors. 196 incidents recorded by AOAV saw 2,255 civilian casualties in 2017, compared to 1,498 in 2016.

The Taliban in Pakistan, based near Afghan border areas, continues to be a threat to stability in the country, while ISIS (Pakistan) were responsible for at least four attacks that resulted in 569 civilian deaths and casualties alone. In July 2017, at least 26 people were killed in a bombing in Lahore, while more than 50 others were injured in the explosion next to a vegetable market in the south of the city.<sup>118</sup>

### *Security overview in 2018 to 15 March*

ACLED summarised the security situation in February 2018 as follows:

Pakistan has the second highest rate of political violence and protest in South and Southeast Asia and it accounts for over 20% of all politically violent events in the region. 114 distinct non-state actors operate in Pakistan. From 2010 to mid-2017, rebel groups were involved in most events of political

<sup>115</sup> Pak Institute for Peace Studies, [Tehreek-e-Taliban Pakistan still the most potent threat, followed by nationalist insurgents – PIPS “Pakistan Security Report 2017”](#), 7 January 2018

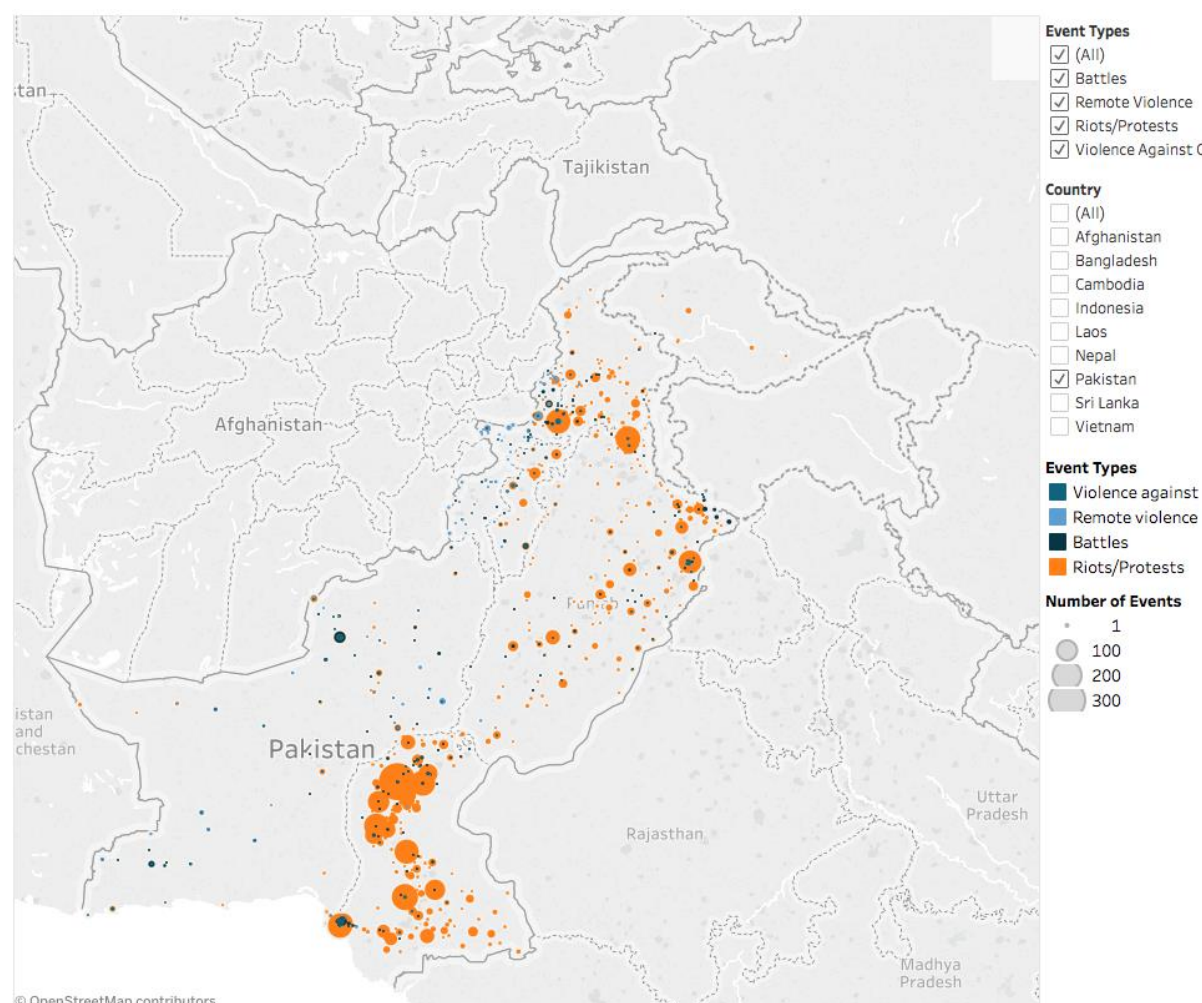
<sup>116</sup> Pak Institute for Peace Studies, [Tehreek-e-Taliban Pakistan still the most potent threat, followed by nationalist insurgents – PIPS “Pakistan Security Report 2017”](#), 7 January 2018

<sup>117</sup> Action on Armed Violence, [The Burden of Harm: Monitoring Explosive Violence in 2017](#), 12 April 2018, Overview p.4

<sup>118</sup> Action on Armed Violence, [The Burden of Harm: Monitoring Explosive Violence in 2017](#), 12 April 2018, Pakistan p.13

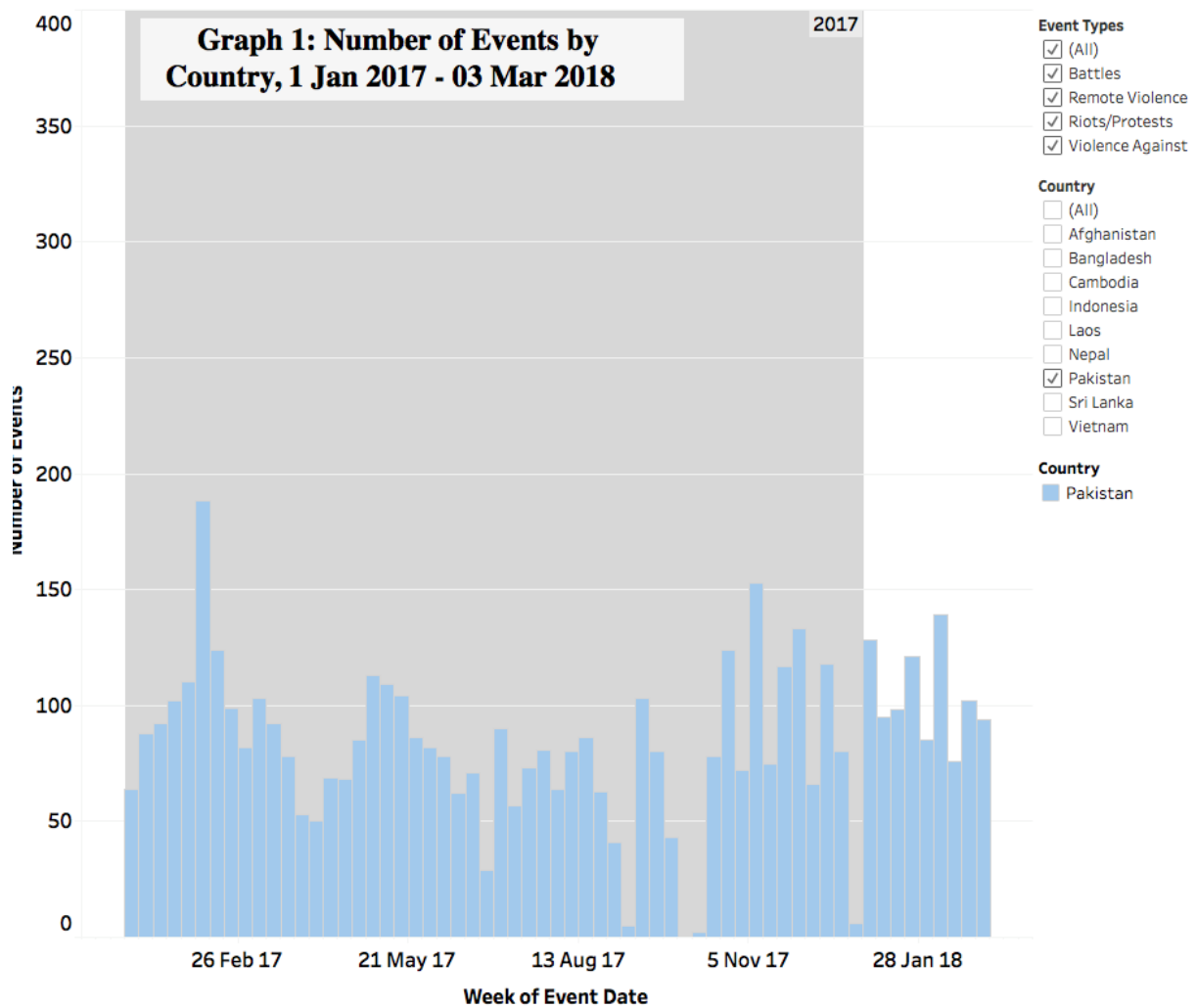
violence. The Tehreek-i-Taliban Pakistan (TTP) were involved in over 80% of politically violent events, resulting in almost 17,000 fatalities. Baloch Separatists were the second most active non-state actors in Pakistan, involved in 336 events. Baloch Separatists are both a general group and comprise the specific groups of the Baloch Liberation Army (BLA) and the Baloch Republican Army (BRA). 30%, 22%, 20%, and 19%, of events take place in the Federally Administered Tribal Areas (FATA), Sindh, Balochistan, and Khyber Pakhtunkwa (KP), respectively. FATA, KP and Balochistan are all regions in which the most active non-state groups operate. Baloch Separatists and Lashkar-e-Jabbar (LeJ) are active in Balochistan, while the TTP, Afghani Taliban, Al Qaeda, Lashkar-e-Islam (LeI), and Jamaat-ul-Ahrar are mostly active in FATA and KP. A large majority of the activity in Sindh is riots and protests.<sup>119</sup>

The following ACLED map and graph illustrate recent trends in political violence and protests in Pakistan by documenting the number of the same types of 'events' from 1 January 2017 to 3 March 2018.<sup>120</sup>

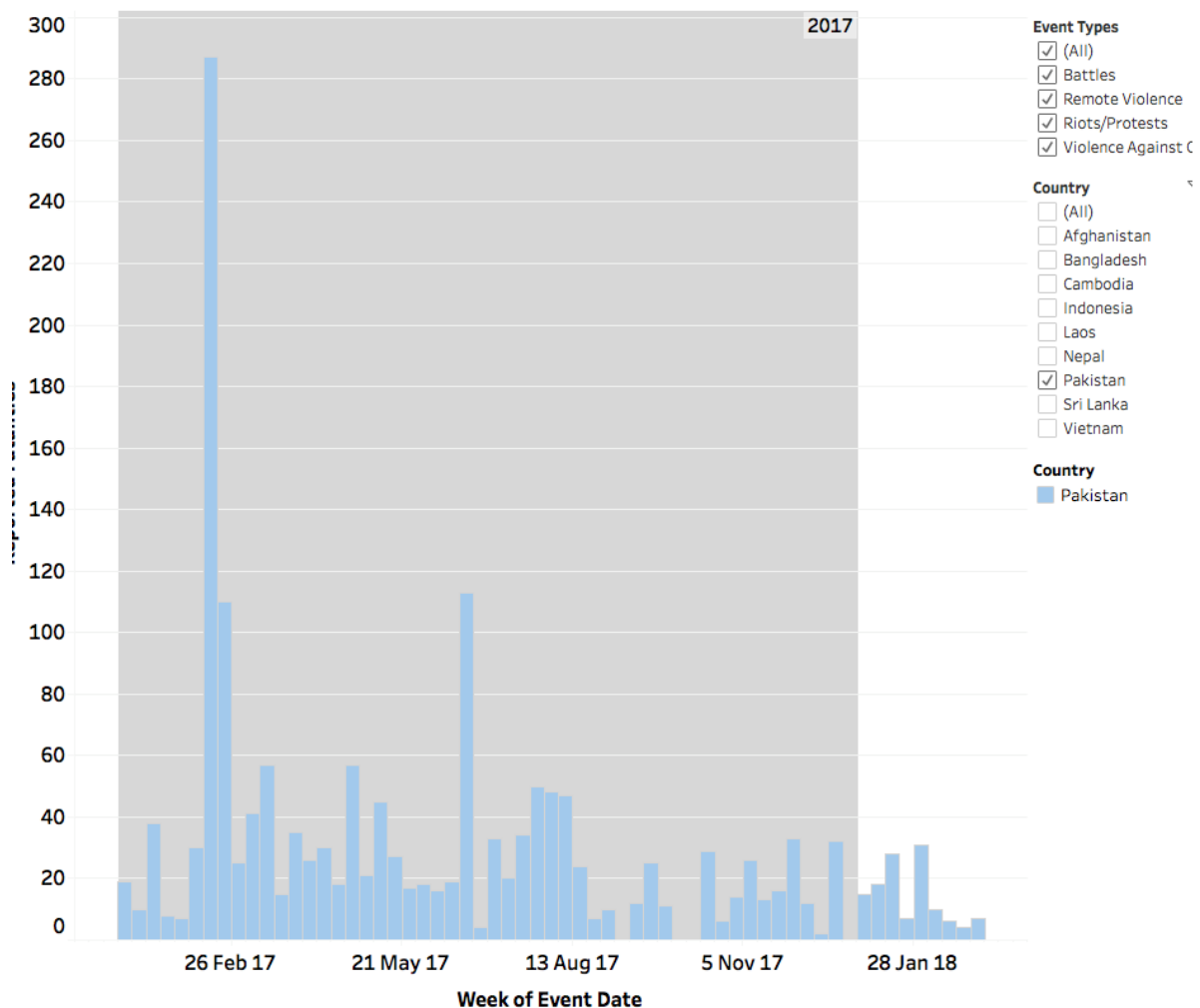


<sup>119</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, *Pakistan*

<sup>120</sup> ACLED, [Recent Trends in Political Violence & Protests in Asia](#), 12 March 2018



The following ACLED graph presents reported fatalities during the same period 1 January 2017 to 3 March 2018:



In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that:

About 63 percent of the total 27 terrorist attacks reported from across Pakistan in January 2018 targeted personnel of security and law enforcement agencies. In all, the reported 27 attacks in the month claimed 40 lives – compared to 36 in the month before – and inflicted injuries on 70 others. Among those 40 killed in these attacks were 13 civilians, 7 FC troops, 11 policemen, one army soldier, 2 Levies, as well as 6 militants; those injured included 30 civilians, 21 FC men, 14 policemen, 3 army officials and 2 Levies. These were some of the findings of PIPS’ monthly security report for January 2018.

As in the past many months, Balochistan was the most terrorism-affected among all provinces/regions of the country during the first month of the year 2018. Indicating an over 12 percent increase from the month before, as many as 18 terrorist attacks took place in Balochistan, which claimed 26 lives and injured 58 others.

Exactly half than in previous month, 4 terrorist attacks took place in 4 agencies of FATA claiming 8 lives and injuring 6 others. Most of the reported terrorism-related casualties in FATA resulted from [sic] a single attack in Kurram Agency (7 dead). Indicating a significant drop, only one terrorist attack took place in Khyber Pakhtunkhwa (KP); one civilian lost his life and 2 others were injured in the attack.

Three terrorist attacks were reported from Sindh – including 2 from Karachi and one from Hyderabad – which claimed in all 5 lives and wounded one person. A low intensive attack in Punjab wounded 3 people.

As many as 20 cross-border attacks were reported during January 2018 – including 18 from across Indian border, along the Line of Control (LoC) in AJK and the Working Boundary – and 2 from



Afghanistan. These attacks claimed 19 lives – 5 army soldiers, and 14 civilians – and injured 71 others, mostly civilians.

Security and law enforcement agencies conducted 3 operational strikes against militants – one each in KP, Punjab and Sindh – which killed 7 militants and injured 3 security personnel. A total of 3 armed encounters and clashes between security forces and militants were also reported during the month, which killed 7 militants; 3 army soldiers were also injured.

Two drone strikes were also reported from FATA, which killed 2 alleged militants.

In all, 56 incidents of violence of different types took place in Pakistan in January 2018 that claimed the lives of 76 people and injured 148 others.<sup>121</sup>

The same source documented in its February 2018 monthly report that “Down over 11 percent from the month before, 24 terrorist attacks took place in Pakistan during February 2018. These attacks claimed 38 lives – compared to 49 in previous month – and inflicted injuries on 46 others. As many as 10 attacks, or 42 percent of the total attacks reported from across Pakistan, targeted personnel of security and law enforcement agencies. Among those 38 killed in terrorist attacks were 13 army officials, 12 civilians, 8 FC troops, and 3 policemen, besides two militants. These statistics were revealed in PIPS Pakistan monthly security report for February 2018”.<sup>122</sup> The same source further noted:

[T]he highest number of terrorist attacks for any one region of the country was reported from Balochistan. Nine reported attacks from the province claimed 15 lives and injured another 16 people. Ten (10) personnel of security and law enforcement agencies were killed in terrorist attacks in the province, largely in 3 attacks launched by the militants of Tehreek-e-Taliban Pakistan (TTP).

As many as 6 terrorist attacks took place in Khyber Pakhtunkhwa (KP) during February 2018. These attacks claimed 15 lives – 11 army officials, 2 civilians, one policeman and one militant – and injured 19 others. Most of these casualties resulted from an attack on army officials in Kabal tehsil of Swat, which claimed the lives of 11 officials.

Seven (7) terrorist attacks took place in 4 agencies of FATA, which claimed 6 lives – 4 civilians and 2 army soldiers – and injured 8 others.

While no terrorist attack was reported from interior of Sindh, one reported attack from Karachi claimed one life and wounded one person.

One incident of landmine explosion killed two persons and injured another in Bhimber district of Azad Kashmir.<sup>123</sup>

### Sectarian Violence

The following provides a brief overview of the sectarian violence gripping Pakistan given that the specific treatment of religious minorities is beyond the scope of this report (see [Explanatory Note](#)).

The U.S. Department of State report for 2017 explained that “NGOs differed in their definitions of sectarian violence, leading to differences in accounting for the number of attacks and deaths. According to SATP, 15 sectarian attacks from January to mid-December resulted in the deaths of 229 individuals, compared with 132 deaths in 31 incidents in 2016. Kurram Agency, FATA, which is the only part of FATA that has a majority Shia population, was the target of three separate bombings that claimed the lives of more than 120 individuals. On January 21, a bomb was detonated in a vegetable market in Parachinar, the capital of Kurram Agency, killing 25; Lashkar-e-Jhangvi and the TTP claimed

---

<sup>121</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>122</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018

<sup>123</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018



responsibility. On June 23, twin blasts hit the Turi Market in central Parachinar, killing 72. Lashkar-e-Jhangvi claimed the attack. On October 10, a suicide bomber killed at least 24 worshippers at a shrine in Balochistan. Multiple Ahmadiyya community members died in what appeared to be targeted killings. Unknown gunmen killed three Ahmadis in three separate attacks on March 30, April 7, and May 3".<sup>124</sup>

In its August 2017 report on the security situation EASO described ethnic and sectarian violence thus:

Sectarian violence across Pakistan continues to be a threat to the security situation in Pakistan and the broader region, according to The Diplomat. Shias, but also Sunnis (including Barelvi and Sufis), Ahmadis, Christians and Hindus are victims of religiously motivated violence, especially carried out by radical militant groups. Most of the victims of sectarian violence are members of the Shia branch of Islam, who comprise approximately 25 % of the population in Pakistan. Various Deobandi militant groups, such as Lashkar-e-Jhangvi (LeJ), Jundullah and factions of the TTP, target the Shia community. According to one source, the violence that was originally limited to Shias now extends to moderate Sunnis as well, if they are seen as not being sufficiently orthodox. Also the Christian community in Pakistan is a frequent target of sectarian violence, whilst Ahmadis continue to be targeted by militant extremists. They are often the victims of legal, institutional and social discrimination, according to USCIRF.

Interethnic violence has been a problem in the province of Sindh in recent years. Tensions between Mohajir and the Pashtun population in Karachi have increased; especially the power struggle between both groups led to numerous political murders of members of the Muttahadi Qaumi Movement (MQM), Awami National Party (ANP), Pakistan People's Party (PPP) and Pakistan Tehreek-e-Insaf (PTI).<sup>125</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the sectarian violence situation as follows:

Sectarian violence-related casualties were 955 this year with 319 deceased and 636 wounded. In Sindh, it went up by three-folds this year, while in FATA it more than doubled (table SV1). [...]

2017 observed a 32% increase overall [compared to 2016] [...]. This is especially troublesome when you contrast the fact that the overall violence decreased by 21%. This showcases the state's weak response to attacks on minorities, which paints them as easy targets for militants. [...]

Shia and Shia Hazara communities suffered the most from sectarian violence, followed by Sufi devotees. The other religious communities like Christians, Sunnis, Ahmadis, and Hindus were also targeted [...].

Suicide attacks, bomb and IED explosions were the most common methods used to carry out sectarian violence in the country. Out of the total 298 victims of suicide attacks, 162 were targeted because of their faith. 84 people lost their lives to bomb explosions that had targeted religious communities. The other fatalities were from IED explosions (25), gun violence (24), armed attacks (7), violent clashes (3) and others.

The sectarian attacks were claimed by the banned militant outfits, with Daish and LeJ-AA spearheading. A total of 126 fatalities were claimed by Daish, 95 by LeJ-AA, and 64 by JuA and TTP-Shehryar Mehsud group. Out of the 319 fatalities only 30 have not been claimed by militant outfits.<sup>126</sup>

CRSS provides the following breakdown of fatalities from sectarian violence in Pakistan in 2017 by province<sup>127</sup>:

---

<sup>124</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 1a and 1 g, Killings*

<sup>125</sup> European Asylum Support Office (EASO), [Country of Origin Information \(COI\) Report 'Pakistan security situation'](#), 4 August 2017, 1.1.2. *Ethnic and sectarian violence* p.17

<sup>126</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Sectarian Violence* 59-62

<sup>127</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Sectarian Violence* 59

<b>Table SV1: Fatalities from sectarian violence in Pakistan - 2017</b>			
<b>Region</b>	<b>Fatalities</b>	<b>Injuries</b>	<b>Total Casualties</b>
FATA	149	359	508
Sindh	101	158	259
Balochistan	51	113	164
Punjab	9	0	9
KP	7	0	7
Islamabad	2	4	6
AJK	0	2	2
<b>Total</b>	<b>319</b>	<b>636</b>	<b>955</b>

For an October 2017 EASO COI meeting, Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies (PIPS) gave a presentation on the security situation in which he noted with regards to the rising trend of sectarian violence in Pakistan that:

The interpretation that seems most likely is the threat perception of the security agencies against sectarian groups. They considered these sectarian groups as the number one threat for internal security. This is one reason. Even this year we have seen two major operations against sectarian groups. Last year the Lashkar-e-Jhangvi al-Alami - at that time it was associated with the Islamic State - launched the most lethal attacks in Quetta, Balochistan, Karachi and Lahore. But this year an operation was launched against them in Mastung area in Balochistan, and their network has almost been dismantled. Every year you see operations launched against the sectarian groups and one or two groups being dismantled. Then, a different issue may arise and other sectarian players may emerge with other agencies but may also use the name of Lashkar-e-Jhangvi, which has become basically a brand or a tag name. Those who have sectarian ambitions use this typical brand name to develop or to show their sectarian credentials. Even now the security agencies identified more than 7 factions or groups active in Pakistan who use the name Lashkar-e- Jhangvi and in most cases they do not interact with each other.<sup>128</sup>

### 3.1 Punjab

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

According to a February 2017 ACLED analysis piece reporting on the situation from 2010-2016, “Pakistan’s most populous provinces, Punjab and Sindh, generally see less armed, organized violence but a large number of riots and protests. Yet the large cities, especially Karachi, Lahore and Islamabad-Rawalpindi, are periodically targeted by groups such as the Tehreek-i-Taliban Pakistan (TTP), Al Qaeda, or their affiliates in mass-casualty attacks”.<sup>129</sup>

In August 2017 the Assessment Capabilities Project reported with regards to the Punjab that:

Punjab is home to half of Pakistan’s population, and many militant groups operate in the province’s south. Although spared much of the violence that the Pakistani Taliban has inflicted elsewhere, 2017

<sup>128</sup> [Muhammad Amir Rana] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 6.2.2 Sectarian attacks p.62

<sup>129</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

so far has seen at least four attacks in Lahore, the provincial capital, as well as an attempted attack on the Christian community at Easter. At least one person was killed and 37 injured in a truck bomb on 7 August, just two weeks after a prior attack. In at least two of these incidents, the Pakistani Taliban or JuA have claimed responsibility. The Taliban presence in the city has been admitted by security forces. The deployment of paramilitaries in Punjab was extended in April 2017. Armed groups are believed to have cells in the province's south, and the government has been responding with operations by security forces. Targeted killings and abductions of security forces by gangs and unknown armed actors have been reported.<sup>130</sup>

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan gave a presentation in which he summarised the security situation in Punjab thus:

Punjab can be divided into three zones: Central, North and Southern Punjab. Southern Punjab must be familiar to a number of you for its so-called ties to sectarian militancy like Jaish-e- Mohammad. But while South Punjab may dominate the headlines, the infrastructure of militants and extremist groups has spread across all zones of Punjab, central and north too. The militancy and extremism threat has spread up and down Punjab, across cities, towns and villages. And the State does not currently appear to have a strategy or the capacity to address the threat.

As an outsider you could ask why is the State always saying that we need to accommodate these groups in Punjab. The answer may lie in the pattern of violence in Punjab. Lahore, the provincial capital, has been struck by militants a number of times and the police in particular have faced militant attacks in the city, but if you look to the other big cities and towns in Punjab, for example, Faisalabad, Sialkot, Gujranwala and Sheikhupura, they have not been attacked by militants despite the presence of militant and extremist networks in those cities.

So while the State is aware a large militant infrastructure exists in Punjab, the state is also aware that the militants in Punjab have not attacked in most of the province yet.

Another factor that prevents the state from dealing with the militant threat in Punjab is that the threat may already be so large that it frightens the State itself. As long capacity of the state to respond to the militant threat, in terms of counter-terrorism capabilities, policing strength and paramilitary forces, is less than the militant threat, the state may be willing to delay dealing with militancy and extremism in Punjab.<sup>131</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation in Punjab as follows:

A rise in violence was recorded in Punjab this year (425 fatalities in 2016 to 469 in 2017) and the districts that witnessed escalation in fatalities were Lahore, Sheikhupura, Multan, D.G. Khan, Rawalpindi, Okara, Khanewal, Gujrat, Sialkot, and Vehari. [...]

Fatalities of outlaws from security operations dropped from nearly 67% in 2016 to 49% in 2017 [...]. Fatalities from militant suicide and armed attacks also dropped this year. The number of suicide attacks in Punjab was higher this year compared to last year (1 in 2016 versus 3 in 2017). All suicide attacks in Punjab targeted security personnel and among the martyred were five army persons and 15 policemen including a Deputy Inspector General and a Senior Superintendent of Police. [...]

Target killings in Punjab went up significantly this year. More than 53% of the fatalities were militants and criminals [...]. Comparatively, the fatalities of outlaws came down by 10% this year, while the fatalities of security personnel and civilians went up by 5% and 7% respectively.<sup>132</sup>

---

<sup>130</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 24 August 2017, *Punjab*

<sup>131</sup> [Cyril Almeida] EASO, *EASO COI Meeting Report Pakistan 16-17 October 2017 Rome*, February 2018, 1.2.3 *Punjab*, p.21

<sup>132</sup> Center for Research and Security Studies (CRSS), *CRSS Annual Security Report 2017*, February 2018, *Regional Breakdown, Punjab* p. 47-50

CRSS provides a detailed breakdown of fatalities by district in 2016 and 2017 and the following table of fatalities by nature of violence in the province<sup>133</sup>:

<b>Table P2: Punjab fatalities from violence - 2016 vs. 2017</b>		
<b>Nature of violence</b>	<b>2016</b>	<b>2017</b>
Security operation	283	229
Militant attacks	72	54
Target killings	34	66
Robberies	19	58
Terrorism	0	15
Other	17	47
<b>Total</b>	<b>425</b>	<b>469</b>
<b>Note:</b> Others for 2017 include incidents of succumbed to injury, custodial death in prison, lynching, kidnap and kill, missing persons found dead, infights among robbers, and stabbing cases that occurred in 2016.		

By comparison, in the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies (PIPS) documented that “A total of 61 people were killed, including 54 in Lahore alone, and 194 others were injured in 14 reported terrorist attacks from Punjab. [...] Three terrorist attacks, each, were reported from Islamabad and Azad Jammu and Kashmir during the year”.<sup>134</sup> The full report is available for a fee [here](#).

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Punjab that:

Punjab witnessed 15 militant attacks in which 59 people were killed and 208 others injured while in previous year, the province had witnessed 14 militant attacks in which 60 people were killed and 280 others were injured. So in terms of figures, 2017 was not entirely different as the figures of attacks and deaths were quite identical though number of injured has gone down as compared to previous year. Importantly, the province witnessed three suicide attacks with all three attacks reported from Lahore with two attacks claimed by TTP and one by Jamat ul Ahrar. In addition to these three attacks, one IED blast that caused injuries was also reported from Lahore. Thus, provincial capital remained the prime target of the militants. One suicide attack each in Punjab was reported in February, April and July while IED blast was reported in August. After suicide attack in February in Lahore near Punjab Assembly, the government came under immense pressure to give up the resistance and paramilitary Rangers was requisitioned. No militant attack was reported in Punjab since August 2017.<sup>135</sup>

The same source provided, amongst others, infographics documenting the monthly breakdown of militant attacks, the type of attacks and affected districts of Punjab.<sup>136</sup>

<sup>133</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown*, FATA p. 49

<sup>134</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>135</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Punjab* p.35-36

<sup>136</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Punjab* p.37-38

The South Asia Terrorism Portal records the number of sectarian violent incidents, suicide attacks and bomb blasts in Punjab by year and a timeline major events in the province, as well as terrorism-related incidents and suicide attacks in Islamabad, Lahore and Rawalpindi.<sup>137</sup>

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that “A low intensive attack in Punjab wounded 3 people”.<sup>138</sup>

### 3.1.1 Non-state armed actors operating in Punjab

In an October 2017 article Jamestown Foundation reported that Pakistan’s banned Jamaat-ud-Dawa (JuD) has “a strong presence in Punjab, Pakistan’s most populous and second largest province, a region that has remained at the epicenter of power politics in Pakistan since the country’s establishment in 1947”.<sup>139</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that “TPP and its splinter groups – Jamaat-ur-Ahrar (JuA) & Taliban Special Group (TSG) claimed responsibility for most of the incidents of terrorism in the province. LeJ-AA and Daish also claimed to have carried out some attacks” and provided the following table<sup>140</sup>:

<b>Table P4: Claimants of terror attacks in Punjab - 2016 vs. 2017</b>		
<b>Claimants</b>	<b>2016</b>	<b>2017</b>
TTP-JA	72	14
TTP - TGS	0	26
TTP	0	6
Various gangs	10	4
LeJ - AA /LeJ	0	3
Daish	0	1
<b>Total</b>	<b>82</b>	<b>58</b>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Punjab that “The Counter Terrorism Department of police was seen very proactive and targeted militants belonged to various militant outfits including TTP, Jamat ul Ahrar, Lashker- e-Jhangvi, Daesh and AQIS. Killings and arrests of huge number suspected militants itself indicate intent of the militants to make this most populous province of the country a new conflict zone”.<sup>141</sup>

The same source further noted with regards to the TPP that “In Punjab, the group’s activities remained limited to Lahore but these attacks were some of the most high profile attacks of the year. [...] An analysis of security forces actions against the group shows that the group has special focus on Punjab province too especially central Punjab. Security forces actions against TTP were recorded in Attock,

<sup>137</sup> South Asia Terrorism Portal, [Balochistan Data Sheets](#), Updated till May 6, 2018

<sup>138</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>139</sup> Jamestown Foundation, [Pakistan’s Jamaat-ud-Dawa Positions Itself for Politics](#), 12 October 2017

<sup>140</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Punjab* p. 51-52

<sup>141</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Punjab* p.35-36

Bhawal Nagar, Bhawalpur, Bhakkar, Chniot, Dera Ghazi Khan, Faisalabad, Gujranwala, Gujrat, Khanewal, Lahore, Mianwali and Rawalpindi".<sup>142</sup>

### Islamic State (IS)

ACLED explained in a 1 March 2018 Analysis piece that "In 2016, the number of organized violence events involving IS militants doubled throughout Pakistan. [...] In 2016, the number of organized violence events involving IS militants doubled throughout Pakistan. The group established a presence in Balochistan, taking advantage of unrest in the province related to the separatist insurgency as well as developing cells in Lahore, Karachi, and several medium-sized cities in Punjab province."<sup>143</sup>

## **3.2 Khyber Pakhtunkhwa**

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

According to an ACLED analysis piece reporting on the situation from 2010-2016, "Khyber Pakhtunkhwa (KP) is a frontier between the more violent areas of Pakistan and the more stable and secure provinces of Punjab and Sindh. KP sees considerable violence in Peshawar, its capital, which lies close to the border with FATA. The city is the site of many attacks on police and military personnel, as well as bombings of markets and shops. Outside Peshawar, the Malakand/Swat area has been the most eventful area of KP over 2010-2016, despite the various military offensives prior to 2010 which diminished the operational capacity of groups like the TTP in the region (Al Bawaba, 4 June 2016)".<sup>144</sup>

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan gave a presentation in which he summarised the security situation in Khyber Pakhtunkhwa thus:

Khyber Pakhtunkhwa is the province that has suffered the most from militancy. It is adjacent to FATA and contains the district of Swat, with some of the most violent militancy and required a massive military operation to bring back under control. The marked reduction in violence in KP is real, but it is difficult to argue that the province is no longer vulnerable in a big way to militant violence.<sup>145</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation in KP as follows:

Violence dropped significantly in KP (357 in 2016 versus 192 in 2017) resulting in the lowest number of fatalities among all other provinces. This trend also occurred in provincial capital Peshawar [...]. D.I. Khan, Swabi and Kohat were the three districts where militancy went up significantly this year. Major causes of fatalities in these districts were target killings (30), clashes between the militants and security agencies (18) and other encounters with law enforcement (12). [...]

The majority of the militants were killed in the above three districts this year. [...]

---

<sup>142</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Tehreek-e-Taliban Pakistan (TTP) in 2017, Areas of operations* p.44

<sup>143</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>144</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>145</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1.2.6 *Khyber Pakhtunkhwa* p.21



Target killings, once considered a bane for the coastal metropolis of Karachi, became a regular mode of killing in KP as well. As many as 82 people were the victims of target killings, recording a 42.70% rise. The counter violence operations in KP killed 57 outlaws. [...]

Militant and criminal fatalities dropped from 62 in 2016 to 57 in 2017. However, 57 accounts for 30% of total fatalities this year, compared to 62 accounting for 17% last year. Civilians and security officials suffered fewer losses than the previous year<sup>146</sup>

CRSS provides a detailed breakdown of fatalities by district in 2016 and 2017 and the following table of fatalities by nature of violence in the province<sup>147</sup>:

<b>Table K2: KP fatalities from violence</b>		
<b>Nature of violence in KP</b>	<b>2016</b>	<b>2017</b>
Target killings	153	82
Security operation	58	57
Militant attacks	79	36
Others	26	9
Terrorism	40	6
Drone attacks	0	2
<b>Total</b>	<b>357</b>	<b>192</b>
<b>Note: Others for 2017 include incidents of abduction &amp; killing, infight of militants, toy bomb explosions.</b>		

By comparison, in the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies (PIPS) documented that “In Khyber Pakhtunkhwa (KP), as many as 71 attacks were recorded in 2017, in which 91 people lost their lives and 211 others were wounded”.<sup>148</sup> The full report is available for a fee [here](#).

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Khyber Pakhtunkhwa that:

A further reduction in militant attacks was observed in KPK as the province witnessed 75 militant attacks in which 92 people were killed and 136 others were injured against 125 militant attacks, 174 killings and 386 injured in the previous year. Thus, there has been 40 percent reduction in militant attacks, 47 percent reduction in deaths and 55 percent reduction in injuries. Among those killed, 47 percent were civilians and 37 percent security forces personnel suggesting although targeting of security forces was witnessed across the country, security forces were more specifically targeted in this province including killing of an Additional Inspector General Police (second highest ranking provincial police officer) [...]. The province also witnessed six suicide attacks with three attacks reported in Peshawar, two in Charsadda and one in Bannu district. Out of six, three suicide attacks were claimed by TTP proving that the outfit is increasingly gaining strength. Incidents of target killings were the highest (see Table-15) with 19 such incidents that caused killings of 23 people including nine security forces personnel while in 17 physical assaults by the militants, 18 security forces were killed in addition to 15 civilians. 15 IED blasts were reported in the province.<sup>149</sup>

<sup>146</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, KP* p. 42-45

<sup>147</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Balochistan* p. 33-35

<sup>148</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>149</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Khyber Pakhtunkhwa (KPK)* p.33-34



The same source provided, amongst others, infographics documenting the monthly breakdown of militant attacks, the type of attacks and affected agencies in Khyber Pakhtunkhwa.<sup>150</sup>

The South Asia Terrorism Portal records the number of incidents of sectarian violence, suicide attacks and bomb blasts in Khyber Pakhtunkhwa by year and a timeline major events in the province, as well as terrorism-related incidents, suicide attacks and bomb blasts in Peshawar.<sup>151</sup>

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that “Indicating a significant drop, only one terrorist attack took place in Khyber Pakhtunkhwa (KP); one civilian lost his life and 2 others were injured in the attack”.<sup>152</sup>

The same source documented in its February 2018 monthly report that “As many as 6 terrorist attacks took place in Khyber Pakhtunkhwa (KP) during February 2018. These attacks claimed 15 lives – 11 army officials, 2 civilians, one policeman and one militant – and injured 19 others. Most of these casualties resulted from an attack on army officials in Kabal tehsil of Swat, which claimed the lives of 11 officials”.<sup>153</sup>

ACLED summarised the security situation in February 2018 as follows:

Pakistan has the second highest rate of political violence and protest in South and Southeast Asia and it accounts for over 20% of all politically violent events in the region. 114 distinct non-state actors operate in Pakistan. From 2010 to mid-2017, rebel groups were involved in most events of political violence. The Tehreek-i-Taliban Pakistan (TTP) were involved in over 80% of politically violent events, resulting in almost 17,000 fatalities. [...] 19%, of events take place in Khyber Pakhtunkhwa (KP) [...] <sup>154</sup>

### 3.2.1 Non-state armed actors operating in Khyber Pakhtunkhwa

The U.S. Department of State ‘Country Report on Terrorism’ covering events in 2016 stated that “The Pakistani military continued operations in Khyber and North Waziristan to eliminate anti-state militants. [...] Many commentators credited the military operations for the reduced number of terrorism-related civilian deaths in Pakistan”.<sup>155</sup>

The Heidelberg Conflict Barometer for 2017 recorded that “The violent crisis over ideology and subnational predominance between Tehrik-e-Taliban Pakistan (TTP), Lashkar-e-Islam (LI) and Jamaat-ul-Ahrar (JuA), on the one hand, and various tribes led by their elders along with pro-government militias such as Aman Lashkar and government-supported peace committees, on the other hand, continued. The conflict primarily took place in the semi-autonomous Federally Administered Tribal Areas (FATA), but also spread to the neighboring province of Khyber-Pakhtunkhwa. Throughout the year, at least 15 people were killed and four injured in IED attacks and gun fights between the two parties”.<sup>156</sup>

---

<sup>150</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Khyber Pakhtunkhwa (KP)* p.33-35

<sup>151</sup> South Asia Terrorism Portal, [Khyber Pakhtunkhwa](#), Updated till May 6, 2018

<sup>152</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>153</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018

<sup>154</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, *Pakistan*

<sup>155</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>156</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Taliban-Tribes)*

In September 2017 the Assessment Capabilities Project described with regards to FATA and KP that:

In FATA and Khyber Pakhtunkhwa (KP), Pakistan faces an insurgency mainly waged by the Pakistani Taliban. The group has been greatly weakened by "Zarb-e-Azb", a comprehensive military operation by the Pakistani armed forces. It has been ongoing in the area since 2014. The operation is out of the main combat phase and the Pakistani military is now clearing pockets of insurgency. After a wave of terrorist attacks around the country in the second half of February 2017, including four attacks in FATA and KP that killed at least 12 people, the Pakistani army launched another operation, "Radd-ul Fasaad". The operation seeks to eliminate the "residual/latent threat of terrorism".<sup>157</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that "TTP and its splinter groups were the major claimants in KP. Of the 33 fatalities that were claimed by different militant outfits, TTP and its affiliates accounted for 28 [...]. Meanwhile, TTP and affiliate groups had 22 fatalities this year" and provided the following illustrative table<sup>158</sup>:

Table K4: Claimants of terror attacks - 2016 vs. 2017		
Claimants	2016	2017
TTP	35	13
TTP-JA-Uzbek	0	7
TTP-JA	40	6
Daish suspected	0	3
TTP-Swat	0	2
Others	22	2
<b>Total</b>	<b>97</b>	<b>33</b>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the TPP that "In Khyber Pakhtunkhwa province, the group carried out attacks in Peshawar, Bannu, Charsadda, Swabi, Swat and Dir districts".<sup>159</sup>

The same source noted with regards to Jamat-ul-Ahrar that "The group is active in northern parts of Khyber Agency including Bajaur, Mohmand and Khyber Agencies as well as Peshawar. [...] The group has its organizational bodies for almost all Pashtun districts of Khyber Pakhtunkhwa province".<sup>160</sup>

ACLED summarised in February 2018 the non-state armed groups operating in KP as follows:

FATA, KP and Balochistan are all regions in which the most active non-state groups operate. [...] TTP, Afghani Taliban, Al Qaeda, Lashkar-e-Islam (LeI), and Jamaat-ul-Ahrar are mostly active in FATA and KP.<sup>161</sup>

### Islamic State (IS)

<sup>157</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 21 September 2017, *FEDERALLY ADMINISTERED TRIBAL AREAS (FATA) & KHYBER PAKHTUNKHWA*

<sup>158</sup> Center for Research and Security Studies (CRSS), *CRSS Annual Security Report 2017*, February 2018, *Regional Breakdown, KP* p. 46

<sup>159</sup> Pakistan Institute for Conflict and Security Studies, *PICSS Annual Security Assessment Report for 2017*, January 2018, *Tehreek-e-Taliban Pakistan (TTP) in 2017, Areas of operations* p.44

<sup>160</sup> Pakistan Institute for Conflict and Security Studies, *PICSS Annual Security Assessment Report for 2017*, January 2018, *Jamat-ul-Ahrar, Most lethal Militant Group in Pakistan, Areas of operations* p.47

<sup>161</sup> ACLED, *Summary of Political Violence and Protest*, 6 February 2018, *Pakistan*

ACLED explained in a 1 March 2018 Analysis piece that “The Islamic State (IS) first appeared in Pakistan around April 2015, in the Tirah Valley area of Khyber Pakhtunkhwa, and has since established itself more thoroughly throughout the country. Although operations by the Counter Terrorism Department (CTD) have in recent years managed to push the group closer to the border with Afghanistan, incidents of suicide attacks have increased”.<sup>162</sup>

In 2017 and into 2018, IS’ focus has shifted towards the border regions with Afghanistan in Balochistan, Khyber Pakhtunkhwa, and FATA. However, the group still retains a presence in Karachi. Notably, while IS claimed responsibility for one major suicide attack in Khuzdar district the previous year, there were four such attacks in 2017, half of which occurred in Balochistan province. This shift to more blatant acts of violence against civilians implies a desire to remain relevant in the Pakistan context despite losing ground in CTD raids.<sup>163</sup>

### 3.3 Balochistan

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

According to an ACLED analysis piece reporting on the situation from 2010-2016, “Balochistan, which hosts a long running separatist conflict, and the Federally Administered Tribal Areas (FATA), the main recruitment base and operational area of the TTP, both possess highly disproportionate rates of violence per capita compared to Sindh and Punjab. Balochistan sees a relatively large number of battles, incidents of remote violence (bombing), and violence against civilians, but also riots and protests over various issues”.<sup>164</sup> The same source further described:

Balochistan has generally seen fluctuating violence over the years. Following the beginning of Operation Zarb-e-Azb and the implementation of the National Action Plan, a broad downward trend in violence is evident. [...] But similar to Sindh and Punjab, Balochistan has witnessed increases in mass-casualty attacks, with three in the second half of 2016. The most significant was the August 2016 Quetta Government Hospital bombing which killed 93 people (India Today, 8 August 2016), making it one of the deadliest attacks in Balochistan’s history and the deadliest recorded attack in the region. There are two main factors which explain the recent rise in frequency of mass-casualty attacks, and suggest that violence is likely to begin to rise overall in Balochistan.

The first factor is directly related to Operation Zarb-e-Azb: the diminishing violence in FATA is correlated with secondary effects of increased mass-casualty attacks in large cities outside the region, including Karachi, Lahore and Quetta, respectively the most populous cities in Sindh, Punjab and Balochistan. [...] The second factor is the beginning of activity along the China-Pakistan Economic Corridor (CPEC), which links the deep sea port at Gwadar to China’s Xinjiang region (Al Jazeera, 12 November 2016). Although CPEC was announced in 2013, only in November 2016 did the first convoy of exports arrive at Gwadar. As it has come online, the CPEC disrupted the region’s traditional power relationships by introducing the possibility of new development and considerable prosperity to the region (The Diplomat, 16 November 2016). This will likely lead to a diminishing of Balochistan’s status as a frontier region and an increase in stability as economic incentives motivate the need for greater security in the region.

---

<sup>162</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>163</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>164</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

However, desires by local actors to shift the balance of power in their favour coupled with the increased presence of militants from FATA are likely to mean considerable instability over the short-term.<sup>165</sup>

The U.S. Department of State 'Country Report on Terrorism' covering events in 2016 stated that "Despite its extensive security infrastructure, the country suffered major attacks, particularly in Balochistan".<sup>166</sup>

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan gave a presentation in which he summarised the security situation in Balochistan thus:

It is an unstable province for a range of reasons. It is essentially a no-go area for a journalist. A no-go area is a Pakistan term for where you are not welcome and if you do turn up there you will be quickly escorted out of the area. The Pashtun-dominated areas of Balochistan, Quetta and everything north of Quetta, has been largely violence free. The violence and the troubles in Balochistan are in Quetta and south of Quetta, which are the Baloch dominated areas. [...]

The Baloch insurgency itself is a low level simmering insurgency where the State believes, the Pakistani military believes, that it has come to grips with the level of violence. The Baloch separatist militants are mostly unable to carry around large or sensational attacks. But many parts of the Baloch-dominated districts in the province do continue to suffer violence and are essentially cut off from the rest of the country.

This is the longest running insurgency that we've had in Balochistan, a fifth insurgency in the province that can be traced back to 2001. Previously, the insurgencies had a tribal character but this insurgency, in spreading to the coastal Balochistan districts, has a middle class, non-tribal element to it too. The security challenges in Balochistan are not limited to the Baloch insurgency. Because Balochistan has a border with Iran, where there are smuggling issues and violence in Iran's Sistan and Baluchestan province, and another border with Afghanistan, where the Taliban strongholds are, there is a regional dimension to the security problems in Balochistan. Moreover, the Hazara population in Balochistan is under attack and there are both sectarian and ethnic types of violence.

Balochistan remains arguably a province where bad news has diminished, but that is also because the whole area is essentially cut off. We don't really know, as journalists, as independent researchers, what is happening because access to the areas is very difficult. The State has a suffocating security presence in the province and they are managing to keep a modicum of stability but Balochistan is a problem that, they've sort of kicked the can down the road. There is no great urgency to find permanent solutions to peace in Balochistan.<sup>167</sup>

In December 2017 the Assessment Capabilities Project described with regards to Balochistan that:

Several armed groups have been fighting for greater autonomy in Balochistan since 1948. At present, the conflict is low-intensity. In December the Pakistani government reported that over 2,000 separatist militants have surrendered [sic] over the past 18 months from Baloch Republican Army (BRA), the Baloch Liberation Army (BLA) and Baloch Liberation Front (BLF). Despite positive security developments, bomb attacks are still frequent, often targeting police officers and security forces. Over 80 people, both civilians and security forces, were killed from May to August, while over 80 were injured. A majority of these deaths occurred in three attacks, one in Mastung and two in Quetta. Both were claimed by Islamist armed groups.

Army and security forces operations are ongoing in Balochistan, but they are underreported and there are large information gaps on their impact on the civilian population. In August the paramilitary Balochistan Frontier Corps announced an increase in intelligence-based operations in the province.

---

<sup>165</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>166</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>167</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1.2.1 Balochistan province, p.20

Army operations are often portrayed by national media and sources close to the Balochi insurgency in opposite ways.

Some 700 security force members have been killed in Balochistan in the past 12 years, while 2,000 have been injured, according to official figures. 500 suspected militants laid down arms in Balochistan on 22 April according to the provincial government. More than 800 surrendered in 2016.<sup>168</sup>

The Heidelberg Conflict Barometer for 2017 recorded that “Sunni militants continued to attack security forces and civilians, especially religious minorities, in Pakistan. [...] The conflict over secession in Balochistan province continued. Militants specifically targeted civilians from other provinces or laborers working on construction sites linked to the China Pakistan Economic Corridor, which is opposed by separatists for allegedly exploiting the Baloch province and its people [...]”.<sup>169</sup> The same source further noted with regards to the conflicts in Balochistan in 2017 that:

The conflict between several Baloch militant groups and political parties, on the one hand, and the government, on the other, over the secession of Balochistan province and the control over its gas, oil, coal, and mineral deposits continued as a violent crisis.

Throughout the year, at least 14 alleged militants and 15 security personnel were killed and at least 26 injured in clashes between police, army and paramilitary Frontier Corps (FC), on the one hand, and the separatist militant groups Balochistan Liberation Front (BLF), Balochistan Liberation Army (BLA), and United Baloch Army (UBA), on the other hand. Furthermore, at least 43 civilians were killed and another 34 injured in attacks by militant groups. Apart from two militant attacks carried out in Sindh province, all measures took place in Balochistan. Security forces conducted numerous raids against alleged militants throughout Balochistan. For example, on June 12, the FC conducted an intelligence-based operation in Quetta, killing two alleged BLA members. Militants carried out attacks targeting security personnel, infrastructure, the media, and civilians. For example, on April 23, an IED explosion near Turbat, Kech district, killed four and injured three FC personnel. BLF claimed responsibility for the attack. Militants targeted infrastructure four times using IEDs, for example on May 18, in Manghopir area, Sindh, where they damaged the Sui gas pipeline, disrupting gas supply in parts of Sindh. Security forces arrested two alleged BLA members in connection with the attack. In early October, BLF and UBA gave the media an ultimatum to defy an alleged ban by the government on covering militant activity, denouncing the news coverage on Balochistan as biased. After the end of the ultimatum on October 24, militants attacked a newspaper shop in Turbat and the Hub Press Club in Karachi, Sindh, with grenades. The attacks resulted in the deployment of paramilitary troops to media houses and an almost complete disruption of news- paper distribution throughout Balochistan until November 5. Militants carried out at least eight attacks against civilians, specifically targeting civilians from other provinces or laborers working on construction sites linked to the China Pakistan Economic Corridor (CPEC). The latter is opposed by separatists for allegedly exploiting the Baloch province and its people. For example, on May 13, two attackers on a motor- bike shot and killed ten laborers from Sindh province working at two construction sites near the port city of Gwadar. The BLA claimed responsibility for the attack. On February 21, the government announced the deployment of 15,000 military personnel to Balochistan and other provinces to protect CPEC projects.

Throughout the year, at least 914 militants reportedly surrendered to the government and were subsequently granted amnesty as part of the “Puraman Balochistan” program implemented in 2015, which aims to reintegrate Baloch militants into civil society. On November 14, Prime Minister Shahid Abbasi announced a 10-year development program for Balochistan.<sup>170</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation in Balochistan thus:

---

<sup>168</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 15 December 2017, *Balochistan*

<sup>169</sup> Heidelberg Institute for International Conflict Research, *Conflict Barometer 2017*, February 2018, *Asia and Oceania* p.135

<sup>170</sup> Heidelberg Institute for International Conflict Research, *Conflict Barometer 2017*, February 2018, *Pakistan (Balochistan)* p.159



The fatalities from violence were the highest in Balochistan this year, but when compared with last year's figure, there is a 40% decline, from 805 in 2016 to 489 in 2017. At the district level, Quetta had the highest number of fatalities from violence [...]. Mastung, Jhal Magsi, Killa Abdullah and Harnai districts witnessed an escalation in violence, whereas Khuzdar, Kalat, Barkhan, and Sibi districts witnessed a drop in violence. [...]

A significant drop in security operations was evident in Balochistan as the number of outlaws eliminated in such operations dropped from 256 in 2016 to 120 this year. However, other forms of violence also appeared to be declining in the provinces. The incidents of terrorism went up significantly. Cross border attacks by the Afghan based militants also emerged as a serious threat in the province (table B2). Of the 26 suicide attacks in the country, 10 were reported from Balochistan leaving 106 people dead, while 89 people lost their lives because of target killings and 48 dead bodies were found from different locations in the province. [...]

Civilians were the largest group of victims in the province. Interestingly, the number was lower than last year, (377 to 264), but their percentage of the total victims increased from nearly 47% to 54%. Militants and insurgents witnessed a significant drop in the number of fatalities this year.<sup>171</sup>

CRSS provides a detailed breakdown of fatalities by district in 2016 and 2017 and the following table of fatalities by nature of violence in the province<sup>172</sup>:

<b>Table B2: Balochistan fatalities from violence - 2016 vs. 2017</b>		
<b>Nature of violence</b>	<b>2016</b>	<b>2017</b>
Security operations	256	120
Target killings	197	104
Militant attacks	264	150
Other Terrorism	61	70
Killings after kidnapping	16	10
Cross Border attacks from Afghan/Iran forces	1	23
Others	11	12
<b>Total</b>	<b>816</b>	<b>489</b>
<b>Note:</b> Other for 2017 includes accidental explosion, failed security operation, custodial deaths.		

By comparison, in the abridged version of 'Pakistan Security Report 2017', the Pak Institute for Peace Studies (PIPS) documented that "Just as in [sic] past three years, the highest number of terrorist attacks for any one region of Pakistan was reported from Balochistan (165 attacks, or over 44 percent of the total attacks in Pakistan). Over 35 percent of the total number of people killed (288) and 31 percent of those injured (532) in terror attacks across Pakistan in 2017 concentrated in Balochistan alone. A bulk of these casualties in Balochistan (133 dead; 282 injured) resulted from 27 terrorist attacks carried out by Islamist militants including the TTP, Jamaatul Ahrar, ISIS-affiliates as well as Lashkar-e-Jhangvi Al-Alami. Different Baloch insurgent groups perpetrated 131 attacks claiming 138 lives and wounding 239 other people. Seven sectarian-related attacks, mainly targeting Hazara Shias, caused death to 17 people and injuries to another 11 persons".<sup>173</sup> The full report is available for a fee [here](#).

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Balochistan that:

<sup>171</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Balochistan* p. 33-35

<sup>172</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Balochistan* p. 33-35

<sup>173</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

Security situation in Balochistan remained volatile as the province, continuing with the previous trends, witnessed highest number of militant attacks in 2017 as compared to other regions. In 183 militant attacks, 308 people were killed and 572 others were injured while 19 people were kidnapped. As compared to 2016, almost one percent reduction in militant attacks was observed although number of deaths and injured witnessed almost 31 and 22 percent reduction when compared with previous year. Among those killed, 68 percent were civilians while 27 percent were security forces personnel while among the injured 77 percent were civilians and 23 percent security forces. The province witnessed highest number of suicide attacks as compared to other regions as 10 such attacks were monitored while IED blasts, incidents of target killings, physical assaults by the militants were also the preferred choice of militants. Moreover, incidents of kidnapping as well as kidnapping and killings also made the headlines as some notable incidents of kidnapping/ kidnapping and killings were also reported including kidnapping of Chinese couple and its subsequent killing by Daesh. [...]

Out of total 10 suicide attacks, six were reported from provincial capital Quetta. Notable suicide attacks in the province included Daesh claimed attack in May targeting Deputy Chairman of Senate Ghafoor Haidri in Mastung in which 28 people were killed and 40 others injured; attack in June outside IG Police office in Quetta claimed by Jamat ul Ahar as well as Daesh killing 13 people and injuring 24 others; attack in Chaman area of Qila Abdullah targeting District Police Office in July by TTP; Daesh claimed attack in Quetta in August targeting FC vehicle killing 15 people while injuring 25 others; attack targeting FC at the Friendship Gate in Chaman in September; Daesh claimed attack at Dargah (shrine) Pir Rakhel Shah in Jhal Magsi in October killing 20 people and injuring 26 others; TTP claimed attack targeting policemen of Rapid Response Force in Quetta in October; killing of Deputy Inspector General of Police in an attack claimed by TTP in Quetta in November; attack in Quetta targeting FC vehicle in November killing five people and injuring 27 others; and killing nine people and injuring of 56 others in Daesh claimed attack in Quetta targeting minority Christian community in December.<sup>174</sup>

The same source provided, amongst others, infographics documenting the monthly breakdown of militant attacks, the type of attacks and affected districts in Balochistan.<sup>175</sup>

The South Asia Terrorism Portal records the number of sectarian violent incidents, suicide attacks and bomb blasts in Balochistan by year and a timeline major events in the province, as well as terrorism-related incidents and suicide attacks in Quetta.<sup>176</sup>

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that:

As in the past many months, Balochistan was the most terrorism-affected among all provinces/regions of the country during the first month of the year 2018. Indicating an over 12 percent increase from the month before, as many as 18 terrorist attacks took place in Balochistan, which claimed 26 lives and injured 58 others.<sup>177</sup>

The same source documented in its February 2018 monthly report that “[T]he highest number of terrorist attacks for any one region of the country was reported from Balochistan. Nine reported attacks from the province claimed 15 lives and injured another 16 people. Ten (10) personnel of security and law enforcement agencies were killed in terrorist attacks in the province, largely in 3 attacks launched by the militants of Tehreek-e-Taliban Pakistan (TTP)”.<sup>178</sup>

<sup>174</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Balochistan* p.25-26

<sup>175</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Balochistan* p.25-28

<sup>176</sup> South Asia Terrorism Portal, [Balochistan Data Sheets](#), Updated till May 6, 2018

<sup>177</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>178</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018



ACLED summarised the security situation in February 2018 as follows:

Pakistan has the second highest rate of political violence and protest in South and Southeast Asia and it accounts for over 20% of all politically violent events in the region. 114 distinct non-state actors operate in Pakistan. From 2010 to mid-2017, rebel groups were involved in most events of political violence. The Tehreek-i-Taliban Pakistan (TTP) were involved in over 80% of politically violent events, resulting in almost 17,000 fatalities. Baloch Separatists were the second most active non-state actors in Pakistan, involved in 336 events. Baloch Separatists are both a general group and comprise the specific groups of the Baloch Liberation Army (BLA) and the Baloch Republican Army (BRA). [...] 20%, [...] of events take place in [...] Balochistan.<sup>179</sup>

### 3.3.1 Non-state armed actors operating in Balochistan

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

In a January 2017 article in the Diplomat, it was reported that “Religious extremism is on the rise in Balochistan. Several factors are driving this, but undoubtedly one concerns Balochistan’s northern regions, specifically Zhob district, which adjoins the Federally Administered Tribal Areas (FATA). Following Operation Zarb-i-Azb in Fata, Tehreek-i-Taliban Pakistan (TTP) fighters and other banned religious outfits penetrated deep inside Balochistan, where they are reportedly regrouping. As a result, Quetta, the provincial capital of Balochistan, has been witnessing deadly assaults”.<sup>180</sup> The same source also noted that “Quetta-based independent analysts say that members of LeJ have likely joined the ranks of the Islamic State, and are carrying out attacks in the Quetta city and elsewhere in the province”.<sup>181</sup> In a previous article the same source described why Balochistan has been selected for the expansionist policy of the Islamic State into Pakistan:

The answer is that Balochistan shares borders with Afghanistan and Iran on the west, and also borders the other provinces on the east. Suffering defeat and losing territory in the Middle East, ISIS sees Balochistan, with its rugged mountains, as a safe haven. Because of the porous border between Pakistan and Afghanistan, the newly established Islamic State could carry out attacks in both countries. The Afghan war sent approximately 3 million refugees to Balochistan. It would not be out of the question for ISIS to try to recruit these refugees to carry out terrorist activities. Also, while having a strong foothold in Pakistan’s Balochistan province, ISIS might easily expand to Iran’s Sistan Balochistan province. Iran is a Shia-majority state, which treats the Sunni with an iron hand. There is already an ongoing Sunni-backed movement that keeps attacking Iranian forces. Pakistani Balochistan and Iranian Balochistan share a boarder, so Pakistani Balochistan would be the logical point for ISIS to expand into Iran.

The set-up for Islamic militants is already in place in the form of the madrassas in Balochistan, established to counter Baloch nationalists who fought the original annexation of Balochistan into Pakistan and the non-secular government that they have had to live under. Most of those religious schools in remote areas of Balochistan are already under the control of jihadi networks, and are also recruiting people. The same protocol given to the government forces to counter the nationalist movement could then be used against them by ISIS, just as the Taliban turned against the very forces which created them for the purpose of defeating the Soviet Union.<sup>182</sup>

---

<sup>179</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, *Pakistan*

<sup>180</sup> The Diplomat, [The Rise of Religious Extremism in Balochistan](#), 9 January 2017

<sup>181</sup> The Diplomat, [The Rise of Religious Extremism in Balochistan](#), 9 January 2017

<sup>182</sup> The Diplomat, [The Rise of Religious Extremism in Balochistan](#), 9 January 2017

In September 2017 the Jamestown Foundation reported that “Recent months have seen the sudden emergence in Pakistan of an organization calling itself Jamaat ul Ansar al-Sharia Pakistan. The new entity has been reported to be behind a series of five terror attacks in Karachi and Baluchistan province (Geo News, July 22). Information about the group is only now beginning to surface”.<sup>183</sup>

According to a November 2017 Jamestown Foundation article on Tanzeem-e-Islami, “According to CTD [Counter Terrorism Department] Karachi’s Transnational Terrorist Intelligence Group, former Tanzeem members are also among militants with Jamaat ul Ansar al-Sharia Pakistan, a new al-Qaeda-linked group that has perpetrated a series of terrorist attacks in Karachi and Baluchistan province (News International, September 7). In September, the security forces arrested two men said to be leaders of the banned militant group Ansarul Shariah Pakistan. A former Karachi University teacher — identified as “Professor Mushtaq” — and his associate, Mufti Habibullah, were taken into custody after raids conducted by police in Quetta and Pishin districts of Baluchistan province. Both Habibullah and Mustaq are associated with Tanzeem, according to the CDT, with Habibullah running Tanzeem-affiliated madrasas in the Hyderabad district of Sindh province (News International, September 7)”.<sup>184</sup>

The Heidelberg Conflict Barometer for 2017 recorded the following names of conflicts and conflict parties in Pakistan in 2017:

Pakistan (Balochistan): BLA, BRA, UBA, LeB, BNP, BLF, BNM vs. government.<sup>185</sup>

A January 2018 House of Commons Briefing Paper on the conflict on Balochistan stated with regards to armed groups that:

The most active pro-independence armed group has been the Balochistan Liberation Army, established in the 1980s, which both the US and the EU have banned as a terrorist group. It is widely believed to be led by Brahmdagh Bugti, Nawab Akbar Bugti’s grandson, who is in exile – although he denies that he supports violence. Another active group is the Balochistan Liberation Front. In recent years, insurgent groups have begun to undertake attacks against non-Baloch civilians and ‘settlers’, including Hindus. Journalists have sometimes also been targeted. [...]

Not all the armed groups active in Balochistan are motivated by nationalist sentiment. Islamic terrorist groups such as the Pakistani Taliban and Lashkar-e-Jhangvi have also been active in the province, primarily targeting Shia Muslims. For example, the government hospital in Quetta was attacked by a suicide bomber in August 2016, killing at least 70 people.

Last but not least, in recent years there have also been attacks – particularly in the Pashtun-majority north of the province – by terrorists inspired by more international agendas. So-called Islamic State has claimed responsibility for several such attacks. For example, it claimed responsibility for a suicide bomb attack on a church in Quetta that killed at least 18.

Al-Qaeda has tried to build a presence in the province but the evidence suggests that so far it has struggled to do so. It has historically had links with the Pakistani Taliban and Lashkar-e-Jhangvi (see above), but may currently be relatively eclipsed in Balochistan by Islamic State.<sup>186</sup>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Balochistan that:

---

<sup>183</sup> Jamestown Foundation, [Jamaat ul Ansar al-Sharia: The New al-Qaeda Threat in Pakistan](#), 22 September 2017

<sup>184</sup> Jamestown Foundation, [Pakistan’s Tanzeem-e-Islami and Its Troublesome Extremist Links](#), 10 November 2017

<sup>185</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *India-Pakistan*, p.145

<sup>186</sup> House of Commons, [Balochistan: Pakistan’s forgotten conflict](#), 2 January 2018

While religion based militant groups like TTP and Jamat ul Ahrar were seen active in the province, the sectarian outfit Lashker-e-Jhangvi was also seen making inroads as it mostly targeted people belonging to Shia Muslim community. Violence perpetrated by Baloch ethnic groups was seen on the decline during first half of the year but witnessed an increase during second half particularly during the last quarter suggesting that such ethnic groups received fresh backing.<sup>187</sup>

The same source further noted with regards to the TPP that “In Balochistan, the group remained more active in Quetta while few attacks also took place in other districts such as Zhob, and Qila Abdullah”.<sup>188</sup> With regards to Jamat-ul-Ahrar it indicated that “It has its sleeper cells in major cities like Karachi, Lahore, and Quetta where it often strikes with high profile attacks”.<sup>189</sup>

The Heidelberg Conflict Barometer for 2017 recorded the following names of conflicts and conflict parties in Pakistan in 2017:

Pakistan (Balochistan): BLA, BRA, UBA, LeB, BNP, BLF, BNM vs. government.<sup>190</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that “The militant outfits that claimed responsibility for terrorism in Balochistan reduced from 13 last year to 9 this year” and provided the following illustrative table<sup>191</sup>:

<b>Table B4: Claimants of terror attacks in Balochistan - 2017</b>	
<b>Claimants</b>	<b>2017</b>
Daish	54
Afghan Forces	21
BLA	18
TTP-JA/Daish	13
TTP	12
Smugglers	5
LeJ - AA	2
Iran Forces	2
TTP-MeA	1
<b>Total</b>	<b>128</b>
<b>Number of Claimants</b>	<b>9</b>

ACLED summarised in February 2018 the non-state armed groups operating in Balochistan as follows:

Baloch Separatists are both a general group and comprise the specific groups of the Baloch Liberation Army (BLA) and the Baloch Republican Army (BRA). [...] FATA, KP and Balochistan are all regions in which the most active non-state groups operate. Baloch Separatists and Lashkar-e-Jabbar (LeJ) are active in Balochistan [...].<sup>192</sup>

<sup>187</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Balochistan* p.25

<sup>188</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Tehreek-e-Taliban Pakistan (TTP) in 2017, Areas of operations* p.44

<sup>189</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Jamat-ul-Ahrar, Most lethal Militant Group in Pakistan, Areas of operations* p.47

<sup>190</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *India-Pakistan*, p.145

<sup>191</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Balochistan* p. 37

<sup>192</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, *Pakistan*

### Islamic State (IS)

ACLED explained in a 1 March 2018 Analysis piece that “In 2016, the number of organized violence events involving IS militants doubled throughout Pakistan. The group established a presence in Balochistan, taking advantage of unrest in the province related to the separatist insurgency. In 2017 and into 2018, IS’ focus has shifted towards the border regions with Afghanistan in Balochistan, Khyber Pahtunkwa, and FATA. However, the group still retains a presence in Karachi. Notably, while IS claimed responsibility for one major suicide attack in Khuzdar district the previous year, there were four such attacks in 2017, half of which occurred in Balochistan province”.<sup>193</sup>

### **3.4 Sindh**

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

According to an ACLED analysis piece reporting on the situation from 2010-2016, “Pakistan’s most populous provinces, Punjab and Sindh, generally see less armed, organized violence but a large number of riots and protests. Yet the large cities, especially Karachi, Lahore and Islamabad-Rawalpindi, are periodically targeted by groups such as the Tehreek-i-Taliban Pakistan (TTP), Al Qaeda, or their affiliates in mass-casualty attacks”.<sup>194</sup>

The U.S. Department of State ‘Country Report on Terrorism’ covering events in 2016 stated that “Security forces in urban areas, including the paramilitary Sindh Rangers in Karachi, arrested suspected terrorists and interrupted plots. In the aftermath of a high-profile terrorist attack at a Lahore park, the Rangers were also called temporarily into southern Punjab for law enforcement operations against militant groups. [...] Many commentators credited the military operations for the reduced number of terrorism-related civilian deaths in Pakistan”.<sup>195</sup>

A November 2016 Jamestown Foundation article recorded that:

Karachi, with an estimated population of 20 million people, is the backbone of Pakistan’s struggling economy. All major political parties have a presence there, to a greater or lesser degree, and their alleged militant wings operate seemingly with impunity. The popular Muttahida Quami Movement (MQM), a secular party that mainly represents the Urdu-speaking middleclass migrants from India who arrived during partition in 1947, has for years accused its political opponents of acts of violence. And the accusations go both ways. (The News, March 4) Despite the accusations, however, MQM maintains a sizeable following in the city, holding 17 of the 20 National Assembly seats.

In addition to political violence, Karachi has been indirectly affected by Pakistan’s military operations against Islamist fighters in other parts of the country. A series of military operations in the tribal areas and Khyber-Pakhtunkhwa province have displaced hundreds of thousands of people in the tribal areas who have migrated to the cities. According to one senior police officer from Sindh, Lashkar-e-Jhangvi, TTP’s several factions, the Afghan Taliban, al-Qaeda in the Indian Subcontinent, Jaish-e-Mohammad,

---

<sup>193</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>194</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>195</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

Baluch Liberation Army and Islamic State all have a presence in Karachi's Pashtun-majority areas as a result.<sup>196</sup>

In September 2017 the Assessment Capabilities Project reported that:

Sindh and the city of Karachi have been affected by sectarian and ethno-political violence.

As of September, security forces continue a nationwide crackdown in response to an attack in Sehwan, Sindh on 16 February that killed more than 80 people and injured over 200. IS claimed responsibility. Several suspected militants have been killed extrajudicially.

Pakistani security forces have been conducting operations against sectarian groups and organised crime in Karachi and Sindh since 2013. Security forces, especially the paramilitary Rangers, have been accused of fomenting ethnic tensions. Human rights violations by security forces include extra-judicial killings, torture and enforced disappearances. Reported killings of suspected militants are recurring. Although the Pakistani Taliban presence in Karachi was declared eliminated, reports emerged in July that they were trying to re-establish a financial network in the city. Ansar al Sharia, a group inspired by, but not linked to, Al Qaeda is active in Karachi. Violence against police forces in the city is rather rare: only nine have been killed this year, four during one episode at the end of June. Multiple armed groups have been associated with the attacks.

In Karachi, violence has an ethno-political and sectarian origin. Every major ethnic group in Pakistan has a sizeable presence. Today's primary divide dates back to partition in 1947, and the influx into Karachi of millions of Mohajirs (Urdu-speaking migrants from India and their descendants) that reduced Sindhis to a minority.

Clashes between rival clans have been reported in rural Sindh. Moreover, reports in July highlighted LeJ presence in upper Sindh, and that IS was operating in some parts of Sindh with the help of other sectarian outfits.<sup>197</sup>

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan gave a presentation in which he summarised the security situation in Sindh thus:

Sindh is a tale of two halves. You have Karachi, Hyderabad, and Urdu-speaking Sindh, and then you have Sindhi-speaking Sindh, what is also referred to as Interior Sindh. One of the great untold stories of recent years is the penetration of militancy and extremism. The growth of Islamist networks and the number of madrassas and the social welfare networks in northern Sindh has been rapid. Despite the PPP politically dominating the region and a relatively open society, extremism has gained ground in Interior Sindh. The State is only now awakening to the problem and does not appear to fully understand the extent of the threat. [...]

In Karachi there is virtually every kind militancy, terrorism or extremism present, much like there are people from all parts of the country who live there. On top of that are the problems unique to Karachi such as political and gang-related violence. In September 2013, the PML-N federal government launched what is known as the Karachi operation, designed to curb soaring political and gang-related violence in the city as well as to dismantle militant infrastructure in the city. Violence in Karachi has been reduced significantly, but it is not clear if long term the different strands of violence in the city will be defeated.<sup>198</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation in Sindh as follows:

In Sindh, as expected, Karachi witnessed the highest number of fatalities from violence during this year followed by the district of Dadu.[...]

Militant attacks and robbery-related fatalities increased in Sindh significantly, while the fatalities from security operations and target killings declined exponentially [...]. The most prominent incident was the attack at Lal Shahbaz Qalandar shrine. Other attacks targeted security officials and media persons in

<sup>196</sup> Jamestown Foundation, [Karachi's Security Crackdown a Boost for Pakistan's Islamists](#), 11 November 2016

<sup>197</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 13 September 2017, *Sindh & Karachi*

<sup>198</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1.2.4 *Sindh* and 1.2.5 *Karachi* p.21

Karachi. Of the 84 fatalities from target killings, 82 were carried out in Karachi that left 53 civilians, 16 security officials, and 8 politicians dead. All robbery related incidents took place in Karachi except for one in Khairpur. Seven robbers were beaten to death and five were severely beaten in Karachi as well. [...]

After Punjab, Sindh was another province where the fatalities of militants and criminals were high. Around 46% of the total fatalities were from security operations, yet it was 7% less than the previous year. A minor drop in the fatalities of security personnel was observed, while civilian fatalities went up significantly. Like in all other provinces, foreign militants and criminals were also eliminated in Sindh, most notably in Karachi.<sup>199</sup>

CRSS provides a detailed breakdown of fatalities by district in 2016 and 2017 and the following table of fatalities by nature of violence in the province<sup>200</sup>:

<b>Table S2: Sindh fatalities from violence - 2016 vs. 2017</b>		
<b>Nature of violence</b>	<b>2016</b>	<b>2017</b>
Security operations	259	191
Militant attacks	2	99
Target killings	183	84
Robbery	37	43
Other	39	38
Lynching	7	7
Terrorism	2	1
Political rivalry	4	0
<b>Total</b>	<b>520</b>	<b>455</b>
Note: Other for 2017 includes resistance to robbery, custodial deaths, resistance to robbery, and infighting between gangsters, lynching, terrorism, and political rivalry.		

By comparison, in the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies (PIPS) documented that “As many 31 attacks took place in Sindh – 24 in Karachi and 7 in interior of Sindh – which killed a total of 119 people and injured 293 people. Most of the terrorism-related casualties in Sindh (91 dead; 250 injured) resulted from a single suicide blast reported from Sehwan Sharif, Jamshoro, at the shrine of Lal Shahbaz Qalandar”.<sup>201</sup> The full report is available for a fee [here](#).

The Heidelberg Conflict Barometer for 2017 recorded that “Sunni militants continued to attack security forces and civilians, especially religious minorities, in Pakistan. In the middle of February [2017], an IS-affiliated suicide bomber killed 88 people and injured another 343 at the shrine of a Sufi saint in Sehwan, southern Sindh province.”<sup>202</sup>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Sindh that:

<sup>199</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Punjab* p. 52-55

<sup>200</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, FATA* p. 49

<sup>201</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>202</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Asia and Oceania* p.135



Following the previous trend, militant attacks in Sindh witnessed further reduction yet the number of deaths and injuries have gone up as compared to previous year as the province witnessed 40 militant attacks in 2017 in which 112 people were killed and 303 others were injured against 67 militant attacks, 61 deaths and 125 injured in 2016. One of the deadliest attacks in Pakistan during 2017 was also reported from Sindh where militants, in a suicide attack claimed by Daesh, targeted a renowned Sufi Shrine in Sehwan Sharif killing 77 people and injuring 250 others. If one could exclude this deadly attack in Sindh, the security situation in the province particularly in provincial capital, which had remained one of the conflict zones, improved substantially over the past 2-3 years. Besides attack in Sehwan Sharif, 18 incidents of target killings were reported and after busting newly emerged Ansar ul Sharia Pakistan, who was involved in target killing of policemen in Karachi, the incidents of target killings reduced substantially.<sup>203</sup>

The same source provided, amongst others, infographics documenting the monthly breakdown of militant attacks, the type of attacks and affected districts of Sindh.<sup>204</sup>

The South Asia Terrorism Portal noted with regards to the situation up to May 2018 that:

According to partial data compiled by the South Asia Terrorism Portal (SATP), Sindh has recorded 12 fatalities – 10 terrorists, one civilian, and one Security Force (SF) trooper – in the current year so far (data till January 28, 2018). During the corresponding period of 2017, Sindh had registered 10 fatalities (eight civilians and two SF personnel).

Through 2017, Sindh recorded 243 fatalities, including 114 civilians, 23 SF personnel, and 106 terrorists, in comparison to 217 such fatalities in 2016, including 76 civilians, 24 SF personnel, and 171 terrorists. Thus, the declining trend of overall-terrorism related fatalities established since 2014 continued through 2017. [...]

Worryingly, however, fatalities among civilians, one of the most prominent indicators of security in a region, increased by 50 per cent in 2017, over the 2016 toll. Significantly, fatalities in this category had been declining since 2014. [...]

As in earlier years, Karachi remains the most volatile among all districts of Sindh, though the number of terrorism related incidents decreased. While 310 such incidents were reported in Karachi in 2016, resulting in 254 fatalities and more than 102 injured, the number decreased to 76 in 2017 with 129 fatalities and more than 35 injured.<sup>205</sup>

The South Asia Terrorism Portal also records the number of sectarian violent incidents, suicide attacks and bomb blasts in Sindh by year and a timeline major events in the province, as well as terrorism-related incidents, bomb blasts and suicide attacks in Karachi.<sup>206</sup>

According to a September 2017 Combating Terrorism Center article:

Various factors make Karachi an attractive location for al-Qa`ida to operate in, and as a focus area for this type of study. Karachi is Pakistan's financial capital and main commercial hub, which likely makes it logistically and financially attractive to the group. Home to more than 18 million people, Karachi is also the largest city in the country. (Given its population and growth rate, Forbes magazine identified Karachi as the "World's Fastest Growing Mega-City" in 2013.) And the size and diversity found in the city likely make it an attractive place to hide and engage in covert activity. Karachi also holds the unfortunate distinction of being Pakistan's most violent city, and political violence in Karachi can be incredibly complicated, as it can be driven by ethno-political rivalries, sectarian tensions, criminal turf battles, globally oriented agendas, and/or a combination of factors. This means that federal, state, and

<sup>203</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Sindh* p.38

<sup>204</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Sindh* p.39-40

<sup>205</sup> South Asia Terrorism Portal, [Sindh: Assessments-2018](#), undated [accessed 17 May 2018]

<sup>206</sup> South Asia Terrorism Portal, [Balochistan Data Sheets](#). Updated till May 6, 2018



local security forces likely have their hands full as they deal with a multiplicity of pressing problems orchestrated by a range of different types of actors—with al-Qa`ida being only one dimension of a much more complicated, local security picture.<sup>207</sup>

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that “Three terrorist attacks were reported from Sindh – including 2 from Karachi and one from Hyderabad – which claimed in all 5 lives and wounded one person”.<sup>208</sup>

The same source documented in its February 2018 monthly report that “While no terrorist attack was reported from interior of Sindh, one reported attack from Karachi claimed one life and wounded one person.”.<sup>209</sup>

ACLED summarised the security situation in February 2018 as follows:

Pakistan has the second highest rate of political violence and protest in South and Southeast Asia and it accounts for over 20% of all politically violent events in the region. 114 distinct non-state actors operate in Pakistan. From 2010 to mid-2017, rebel groups were involved in most events of political violence. The Tehreek-i-Taliban Pakistan (TTP) were involved in over 80% of politically violent events, resulting in almost 17,000 fatalities. 22% [...] of events take place in [...] Sindh [...] A large majority of the activity in Sindh is riots and protests.<sup>210</sup>

### 3.4.1 Non-state armed actors operating in Sindh

The Heidelberg Conflict Barometer for 2017 recorded the following names of conflicts and conflict parties in Pakistan in 2017:

Pakistan (Sindh): MQM, Mohajirs vs. PPP, Balochs, Sindhis vs. ANP, Pakhtuns vs. government.<sup>211</sup>

A February 2017 International Crisis Group report on Karachi detailed that “The TTP is the latest addition to the explosive jihadist mix. Pakistan’s most dangerous groups actively contest Karachi’s turf and resources. The anti-Shia Lashkar-e-Jhangvi and anti-India LeT/JD and Jaish-e-Mohammed have umbilical links with the city’s large, well-resourced madrasas. With its large Shia population, sectarian conflict nationwide typically echoes in Karachi”.<sup>212</sup>

In September 2017 the Assessment Capabilities Project noted that “reports in July highlighted LeJ presence in upper Sindh, and that IS was operating in some parts of Sindh with the help of other sectarian outfits”.<sup>213</sup>

In September 2017 the Jamestown Foundation reported that “Recent months have seen the sudden emergence in Pakistan of an organization calling itself Jamaat ul Ansar al-Sharia Pakistan. The new

---

<sup>207</sup> Combating Terrorism Center, [Al-Qa`ida in Pakistan: A Metric Problem?](#) September 2017 Volume 10, Issue 8

<sup>208</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>209</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018

<sup>210</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, *Pakistan*

<sup>211</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *India-Pakistan*, p.145

<sup>212</sup> International Crisis Group, [Pakistan: Stoking the Fire in Karachi](#), 15 February 2017

<sup>213</sup> Assessment Capabilities Project, [Politics and Security](#), 1 November 2011

entity has been reported to be behind a series of five terror attacks in Karachi and Baluchistan province (*Geo News*, July 22). Information about the group is only now beginning to surface”.<sup>214</sup>

According to a September 2017 Combating Terrorism Center article, “Data collected from news reports about al-Qa`ida suspects arrested in the Pakistani mega-city of Karachi since 9/11 suggest that the group’s presence in the city has been growing in recent years. The data also points to how the character and make-up of al-Qa`ida in the region is also shifting. Both trends speak to the persistence and diverse nature of the al-Qa`ida threat and how the challenges posed by the group in the region extend well beyond Afghanistan and span across more remote locales, as well as major urban areas in Pakistan—even 16 years after 9/11”.<sup>215</sup> The same source further noted that:

The database contains information on 102 al-Qa`ida arrest actioned between September 12, 2001, and May 31, 2017, in Karachi, Pakistan. According to the data, 300 al-Qa`ida suspects were arrested in the city over that period of time. Across that more than 15-year timeframe, Pakistani law enforcement and security forces conducted more than five al-Qa`ida arrest actions in Karachi every year on average. This roughly equates to Pakistani security forces engaging in at least one, publicly identifiable, al-Qa`ida arrest action in Karachi every other month on average for a 15-year period. [...] The number of arrest actions and the number of al-Qa`ida suspects arrested in Karachi from 2015 to 2016 nearly tripled and increased almost six-fold, respectively.

Put another way, since the creation of AQIS [al-Qa`ida in the Indian Subcontinent] until the end of 2016 (the last year for which we have complete yearly data), there have been 24 arrest actions resulting in the arrest of 88 individuals. Over that time period, security forces have come close to conducting at least one al-Qa`ida arrest action per month on average, with three al-Qa`ida operatives arrested on average per incident. Counterterrorism officials in Karachi have noticed a similar trend, and they “worry that the organization is regrouping and finding new support here [in Karachi] and in neighboring Afghanistan.” In terms of size, “counterterrorism officials in Karachi have a list of several hundred active al-Qaeda members, which makes them assume there are at least a few thousand on the streets.”<sup>216</sup>

A November 2017 Hudson Institute article provided a detailed analysis of LeT noting that:

Jamaat-ud-Dawa (JuD, Society for Proselytization), better known as Lashkar-e-Tayyaba (LeT), is the most capable and competent Islamist militant group operating in South Asia. [...]

LeT is the most loyal proxy of the Pakistani deep state –it kills on instruction abroad while keeping the peace at home – and as such, most scholarship on the group focuses upon the external utility of the organization to Pakistan. [...]

Pakistan is home to some 800,000 Hindus, 94 percent of whom live in Sindh. Sindh is Pakistan’s second most populated province with about 51 million people,<sup>30</sup> although this number is contested and impossible to verify since Pakistan has not conducted a census since 1998.<sup>31</sup> A mere 4 percent live in the Punjab, and smaller numbers yet in Balochistan and Khyber-Pakhtunkhwa.<sup>32</sup> Not coincidentally, in recent years, Pakistan’s Sindh province has been an important area for JuD activity. Even though Hafez Saeed has declared an unending war against Hindus in India, he averred that “his organization will not allow destruction of Hindu temples and other holy places of non-Muslims in the country.”<sup>33</sup> JuD’s principle tools to secure conversions are provision of social services, medical care, and disaster relief work as well as its dedicated humanitarian relief arm, the FIF. [...]

While JuD works through these means to convert Sindh’s Hindus, others have more draconian methods, such as kidnapping Hindu girls and forcing them to convert and marry local Muslims. About 1,000—mostly Hindu but some also Christian—girls are abducted and forcibly converted and married per year.

<sup>217</sup>

---

<sup>214</sup> Jamestown Foundation, *Jamaat ul Ansar al-Sharia: The New al-Qaeda Threat in Pakistan*, 22 September 2017

<sup>215</sup> Combating Terrorism Center, *Al-Qa`ida in Pakistan: A Metric Problem?* September 2017 Volume 10, Issue 8

<sup>216</sup> Combating Terrorism Center, *Al-Qa`ida in Pakistan: A Metric Problem?* September 2017 Volume 10, Issue 8

<sup>217</sup> Hudson Institute, *Jamaat-ud-Dawa: Converting Kuffar at Home, Killing Them Abroad*, 4 November 2017

According to a November 2017 Jamestown Foundation article on Tanzeem-e-Islami, “According to CTD [Counter Terrorism Department] Karachi’s Transnational Terrorist Intelligence Group, former Tanzeem members are also among militants with Jamaat ul Ansar al-Sharia Pakistan, a new al-Qaeda-linked group that has perpetrated a series of terrorist attacks in Karachi and Baluchistan province (News International, September 7). In September, the security forces arrested two men said to be leaders of the banned militant group Ansarul Shariah Pakistan. A former Karachi University teacher — identified as “Professor Mushtaq” — and his associate, Mufti Habibullah, were taken into custody after raids conducted by police in Quetta and Pishin districts of Baluchistan province. Both Habibullah and Mustaq are associated with Tanzeem, according to the CDT, with Habibullah running Tanzeem-affiliated madrasas in the Hyderabad district of Sindh province (News International, September 7)”.<sup>218</sup>

According to the CRSS annual report covering events in 2017, “In addition to the foreign militants and religiously motivated terrorists, a new breed of terrorists from reputed universities in Karachi emerged in Sindh this year. Other than the attacks on Lal Shahbaz Qalandar shrine and Muttahida Qaumi Movement (MQM), AQIS, TTP, TTP-JA, and Baba Ladla gang claimed responsibility for attacks in Sindh”.<sup>219</sup> It also provided the following illustrative table<sup>220</sup>:

<b>Claimants</b>	<b>2016</b>	<b>2017</b>
AQIS	0	2
ASP	0	12
Daish	0	91
Baba Ladla gang	0	1
Bandit - unknown	1	0
TTP - Hakeemullah Mehsud	2	0
TTP - JA	9	3
LeJ - AA	5	1
TTP-JA/ASP suspected	0	4
TTP	0	1
<b>Total</b>	<b>17</b>	<b>115</b>

ACLED explained in a 1 March 2018 Analysis piece that “In 2016, the number of organized violence events involving IS militants doubled throughout Pakistan. [...] In 2016, the number of organized violence events involving IS militants doubled throughout Pakistan. The group established a presence in Balochistan, taking advantage of unrest in the province related to the separatist insurgency as well as developing cells in Lahore, Karachi, and several medium-sized cities in Punjab province. [...] In 2017 and into 2018, IS’ focus has shifted towards the border regions with Afghanistan in Balochistan, Khyber Pakhtunkwa, and FATA. However, the group still retains a presence in Karachi”.<sup>221</sup>

<sup>218</sup> Jamestown Foundation, [Pakistan’s Tanzeem-e-Islami and Its Troublesome Extremist Links](#), 10 November 2017

<sup>219</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Sindh* p. 58

<sup>220</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Sindh* p. 58

<sup>221</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

### 3.5 Federally Administered Tribal Areas (FATA)

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

According to an ACLED analysis piece reporting on the situation from 2010-2016, “Balochistan, which hosts a long running separatist conflict, and the Federally Administered Tribal Areas (FATA), the main recruitment base and operational area of the TTP, both possess highly disproportionate rates of violence per capita compared to Sindh and Punjab. [...] FATA experiences the highest rate of battles, bombings, and violence against civilians, with drone strikes predominantly clustered in North and South Waziristan. Its [sic] is often the site of periodic offensives by Pakistan’s military to disrupt militant networks (Daily Mail, 29 January 2015).<sup>222</sup> The same source further noted that:

By March 2016 violence in FATA had reached the lowest point since the beginning of 2010 [...] and it is at this point that Operation Zarb-e-Azb [a military offensive commenced after the June 8, 2014 attack on Jinnah International Airport] shifted into its “clearance phase” after the army reported that 90% of North Waziristan had been cleared (Dunya News, 16 November 2014). Together Operation Zarb-e-Azb and the National Action Plan [a government-wide supplement to the military approach of Operation Zarb-e-Azb. The plan allowed for the deployment of a federal armed force—the Pakistan Rangers – in Karachi and other large cities, the creation of a new anti-terrorism force, enhanced power for the Foreign, Finance, and other ministries to crack down on terrorist financing, and the expelling of Afghan refugees] are the main drivers of the significant decrease in both fatalities and events in FATA over the course of 2015 and 2016”.<sup>223</sup>

The U.S. Department of State ‘Country Report on Terrorism’ covering events in 2016 stated that “The Pakistani military continued operations in Khyber and North Waziristan to eliminate anti-state militants. [...] Many commentators credited the military operations for the reduced number of terrorism-related civilian deaths in Pakistan”.<sup>224</sup>

In September 2017 the Assessment Capabilities Project described with regards to FATA and KP that:

In FATA and Khyber Pakhtunkhwa (KP), Pakistan faces an insurgency mainly waged by the Pakistani Taliban. The group has been greatly weakened by “Zarb-e-Azb”, a comprehensive military operation by the Pakistani armed forces. It has been ongoing in the area since 2014. The operation is out of the main combat phase and the Pakistani military is now clearing pockets of insurgency. After a wave of terrorist attacks around the country in the second half of February 2017, including four attacks in FATA and KP that killed at least 12 people, the Pakistani army launched another operation, “Radd-ul Fasaad”. The operation seeks to eliminate the “residual/latent threat of terrorism”.

Policemen, security forces and civilians are attacked on a regular basis, including with IEDs. The incidence of violent attacks in FATA increased by 72% in the first quarter of 2017 compared to the last quarter of 2016, only to decrease by 19% from the first to the second quarter. However, a decrease in number does not necessarily mean that attacks have lost intensity. [...]

On 23 June, a major bomb attack in Parachinar, Kurram agency, left at least 72 people dead and 200 injured. According to local sources, hospitals were unable to provide proper assistance to the victims due to a lack of facilities, resulting in a higher death toll. The area had been targeted by major attacks already on 31 March and at the end of January. Kurram agency is a Shia majority area. ??? The June attack sparked protests against a deterioration of the security situation.<sup>225</sup>

---

<sup>222</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>223</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>224</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>225</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 21 September 2017, *FEDERALLY ADMINISTERED TRIBAL AREAS (FATA) & KHYBER PAKHTUNKHWA*

For an October 2017 EASO COI meeting, Cyril Almeida, Assistant editor and journalist of the Dawn newspaper, Pakistan gave a presentation in which he summarised the security situation in FATA thus:

Since Zarb-e-Azb, in June 2014 in North Waziristan, FATA is a lot more stable than it has been before because the main sanctuaries of the Taleban, the Tehrik-e-Taleban (TTP), have been eliminated. The last big Taliban sanctuary they was in Kurram Agency where there was an operation called Operation Rajgal. It was in the last 250 square kilometres in Rajgal valley which is a really dense mountainous area. At its peak, the military deployment in FATA was believed to be around 200,000 troops, an estimate because official figures have not been provided. The number of troops deployed in FATA has now been reduced because the Taliban strongholds have mostly been eliminated. But there remains a problem of TTP sanctuaries across the border in eastern Afghanistan and there is no likelihood of the military being able to withdraw from FATA anytime soon.

There is a dispute going on about the future of FATA between the civilian government and the military leadership which is about FATA reforms and some of you may have heard of it. This particular PML-N government has dragged its feet on FATA reforms because of disagreements among political allies of the PML-N whether FATA should be merged with the province of Khyber-Pakhtunkhwa. Meanwhile, the military leadership is publicly supporting FATA reforms, but it is not clear if a heavy military presence in FATA will allow civilian administrative structures to eventually assume control. Overall, FATA is likely to be a security challenged region for many years to come. There will be a heavy military presence, with attempts by the militants to regroup and reassert themselves and it will be an area from which Pakistan proper, i.e. the provinces, will continue to be vulnerable.<sup>226</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation in FATA as follows:

Violence in FATA exhibited a slight drop in the number of fatalities. Bajaur, Kurram, Orakzai, and South Waziristan Agencies witnessed an escalation in violence, and Khyber, Mohmand, and North Waziristan Agencies enjoyed a drop. [...]

Despite an overall drop in violence, the rise of militancy in the region was very prominent. 194 people were victims of terrorism (bomb, Improvised Explosive Device (IED), and landmine explosions), while 68 people lost their lives as a result of three suicide attacks, several armed attacks and indiscriminate firing. [...]

The majority of the victims of violence in FATA were civilians and their fatalities rose by more than 100% this year [...]. In contrast, the militants and criminals witnessed a nearly 58% drop in fatalities from counter-violence operations in the region (349 in 2016 to 148 in 2017). [...]

There was a sharp escalation of terror attacks and the resultant fatalities in FATA this year, 68 in 2016 versus 224 in 2017 (table F4). Lashkar-e-Jhangvi Al-Alami (LeJ-AA) emerged as a new militant outfit causing the highest number of fatalities in FATA this year.<sup>227</sup>

CRSS provides a detailed breakdown of fatalities by district in 2016 and 2017 and the following table of fatalities by nature of violence in the province<sup>228</sup>:

---

<sup>226</sup> [Cyril Almeida] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 1.2.2 FATA, p.20

<sup>227</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, FATA* p. 38

<sup>228</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, FATA* p. 39-41

<b>Table F2: FATA fatalities from violence - 2016 - 2017</b>		
<b>Nature of violence</b>	<b>2016</b>	<b>2017</b>
Other terrorism	39	194
Militant attacks (including cross-border)	91	133
Security operation	286	67
Drone attacks	34	24
Target killings	34	10
Other	3	8
Infighting - various	8	0
<b>Total</b>	<b>495</b>	<b>436</b>

By comparison, in the abridged version of 'Pakistan Security Report 2017', the Pak Institute for Peace Studies (PIPS) documented that "The Federally-Administered Tribal Areas (FATA) was the second most terrorism- affected region after Balochistan, with 83 reported attacks claiming 253 lives and wounding 491 others. Though these attacks were reported from across all 7 agencies of FATA, most of the terrorism- related casualties (154 dead; 341 injured), however, resulted from some major attacks that took place in Kurram Agency; Jamaatul Ahrar, TTP, Lashkar-e-Jhangvi (LeJ), and its global arm LeJ-Al-Alami perpetrated these attacks".<sup>229</sup> The full report is available for a fee [here](#).

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in FATA that:

Security situation in FATA deteriorated in the year 2017 after witnessing a constant reduction in violent incidents. Although the year 2017 also witnessed further reduction in militant attacks, as compared to last year, yet resultant deaths and injuries have gone up suggesting that militant attacks this year were comparatively more lethal and well organized. In 102 militant attacks recorded in 2017, at least 339 people were killed and 614 others were injured against 119 militant attacks recorded in 2016 in which 192 people had been killed and 244 others injured. Thus, there has been almost 14 percent reduction in number of militant attacks but the number of fatalities has witnessed a 77 percent increase while number of injured jump up by 152 percent when compared with year 2016. Among those 339 killed, 206 were civilians, 68 militants and 65 security forces personnel while among the injured, 491 were civilians, 93 security forces personnel and 30 militants.<sup>230</sup>

The same source provided, amongst others, infographics documenting the monthly breakdown of militant attacks, the type of attacks and affected agencies in FATA.<sup>231</sup>

The South Asia Terrorism Portal assessed the security situation in FATA as follows:

The trend of declining civilian fatalities established since 2013 has been reversed in 2017, when selective attacks on peace committee members and civilians increased sharply, with fatalities witnessing an over two-fold jump. According to partial data compiled by the South Asia Terrorism Portal (SATP) at least 170 civilian fatalities, including 12 peace committee members, were recorded in 2017, as against 76 such fatalities, including nine peace committee members, in 2016. More worryingly, fatalities in this category (civilian) recorded in 2017 were the highest since 2013, when such fatalities stood at 319. The worst attack targeting civilians in the year took place on June 24, 2017, when at least 67 persons were killed and more than 200 were injured in back-to-back explosions in the Turi Bazaar area of Parachinar in the Kurram Agency of FATA, when the market was crowded for Iftar (the evening

<sup>229</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>230</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in FATA* p.31

<sup>231</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Balochistan* p.31-32



meal that breaks the daily fast during the holy month of Ramadan) and Eid (celebration that marks the end of Ramadan) shopping. The al-Alami (International) faction of LeJ claimed responsibility for the twin bomb blasts and declared in a statement that it was targeting Shias and threatened more attacks in response to "Pakistanis fighting against Sunni militants in Syria's civil war".

While civilians faced the increased brunt of terror through 2017, the terrorists also increased their attacks against SFs. Fatalities among SFs increased from 39 in 2016 to 54 in 2017. Here also, as in case of civilians, the trend of declining fatalities, established since 2013, was reversed.

On the contrary, terrorist fatalities continued their steep decline through 2017. The number of terrorist fatalities was 315 in 2016, and declined dramatically to 167 in 2017, the lowest since 2006. Fatalities in this category recorded a remarkable decline in 2016 as well, as there were 1,642 such fatalities in 2015. There were 391 total fatalities in 2017, as against 430 in 2016. [...]

The Pakistan Institute for Conflict and Security Studies (PICSS) in its annual report released on January 1, 2018, also recorded a rise in civilian and SF fatalities in 2017. The report shows that FATA recorded 206 civilian and 70 SF fatalities in 2017 as against 81 civilian and 60 SF fatalities in 2016. The number of terrorist fatalities, according to the report, was 152 in 2017, as against 51 in 2016. The number of terrorist attacks also registered an increase: from 119 in 2016 to 160 in 2017.

Meanwhile, the SATP database indicated that the number of major incidents (each involving three or more fatalities) increased from 32 in 2016 to 34 in 2017. Though the number of suicide attacks in both these years (2017 and 2016) remained at three each, the resultant fatalities increased from 55 in 2016 to 99 in 2017.

Sectarian attacks also increased in FATA through 2017. As against one such incident recorded in 2016, in which 37 people died, year 2017 accounted for 117 fatalities in three incidents.<sup>232</sup>

The South Asia Terrorism Portal also records the number of sectarian violent incidents, suicide attacks and bomb blasts in FATA by year and a timeline major events.<sup>233</sup>

The FATA Research Centre provided the following security overview of in FATA 2017:

The security situation in FATA remained volatile from January to December of the year 2017. Although targeted and intelligence based operations (IBOs) continued all over FATA, terrorist belonging to the Tehreek-e-Taliban Pakistan (TTP), Tehreek-e-Taliban Pakistan- Jamat-ul-Ahrar (TTP-JuA), Wazir Taliban, Islamic State of Khorasan (IS-K), Laskhar-e- Jhangvi (LeJ) stepped up their activities in FATA during the reporting year. However, the ratio of counter terrorism (CT) operations remained higher in comparison to the terrorist attacks during the year 2017.

[...] a total of 325 violent incidents (153 terrorism and 172 counter-terrorism) incidents were recorded during the year 2017 compared to 219 (131 terrorism and 88 counter terrorism incidents in 2016. This shows an increase of 16 percent in terrorism incidents while 95 percent in counter terrorism incidents in 2017 as compared to the previous year. [...]

A Further breakdown of terrorism incidents shows that of the total 153 terrorist incidents in 2017, 73 terrorist attacks (48 percent) targeted the security forces while 71 attacks (46 percent) were directed against civilians. Seven terrorist attacks (five percent) targeted members of civil militia or Amn Lashkar.

Two incidents of infighting between terrorist groups was also report during the year 2017.<sup>234</sup>

The same source also provided a detailed comparative analysis by agency of the province in 2016 and 2017.

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that:

---

<sup>232</sup> South Asia Terrorism Portal, [FATA: Assessments- 2018](#), undated [accessed 17 May 2018]

<sup>233</sup> South Asia Terrorism Portal, [Balochistan Data Sheets](#), Updated till May 6, 2018

<sup>234</sup> FATA Research Centre, [FATA Annual Security Report 2017](#), 13 January 2018, *Security Overview of FATA 2017* p.1

Exactly half than in previous month, 4 terrorist attacks took place in 4 agencies of FATA claiming 8 lives and injuring 6 others. Most of the reported terrorism-related casualties in FATA resulted from [sic] a single attack in Kurram Agency (7 dead).<sup>235</sup>

The same source documented in its February 2018 monthly report that “Seven (7) terrorist attacks took place in 4 agencies of FATA, which claimed 6 lives – 4 civilians and 2 army soldiers – and injured 8 others”.<sup>236</sup>

ACLED summarised the security situation in February 2018 as follows:

Pakistan has the second highest rate of political violence and protest in South and Southeast Asia and it accounts for over 20% of all politically violent events in the region. 114 distinct non-state actors operate in Pakistan. From 2010 to mid-2017, rebel groups were involved in most events of political violence. The Tehreek-i-Taliban Pakistan (TTP) were involved in over 80% of politically violent events, resulting in almost 17,000 fatalities. 30%, [...] of events take place in the Federally Administered Tribal Areas (FATA).<sup>237</sup>

### 3.5.1 Non-state armed actors operating in FATA

In September 2016 the Jamestown Foundation reported that “Jamaat-ul-Ahrar (JuA), once a disgruntled breakaway faction of Tehrik-e-Taliban Pakistan (TTP), has been behind a series of deadly attacks across Pakistan since March 2016, apparently contradicting the Pakistani Army’s claim to have eliminated terrorism from North Waziristan and the Khyber Agency through years of its counter-terrorism operation Zarb-e-Azb (Daily Times, September 01)”.<sup>238</sup>

According to a February 2017 ACLED analysis piece reporting on the situation from 2010-2016, the Federally Administered Tribal Areas (FATA) is the main recruitment base and operational area of the TTP.<sup>239</sup>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 that:

It has been observed that TTP has become once again very active in North Waziristan agency and giving tough time to Pakistani security forces. Although there are no reports that the group has gained control over some area but situation in the area is increasingly becoming volatile. TTP carried out many ambushes, IEDs and other attacks in the area. Security forces had to impose curfew in certain areas due to escalation in militant attacks in North Waziristan. Apart from Waziristan, the group remained active mostly in Bajaur and Mohmand Agencies where it also carried out few cross border attacks. Khyber and Kurram Agencies also witnessed TTP related attacks.<sup>240</sup>

The same source noted with regards to Jamat-ul-Ahrar that “The group is active in northern parts of Khyber Agency including Bajaur, Mohmand and Khyber Agencies as well as Peshawar”.<sup>241</sup>

---

<sup>235</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>236</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018

<sup>237</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, Pakistan

<sup>238</sup> Jamestown Foundation, [Pakistan’s Jamaat-ul-Ahrar: A Violent Domestic Threat](#), 16 September 2016

<sup>239</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>240</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Tehreek-e-Taliban Pakistan (TTP) in 2017, Areas of operations* p.44

<sup>241</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Jamat-ul-Ahrar, Most lethal Militant Group in Pakistan, Areas of operations* p.47

According to the U.S. Department of State ‘Country Report on Terrorism’ covering events in 2016, “The continuous military operations in Khyber and North Waziristan eliminated significant numbers of militants and removed safe havens for terrorist groups such as TTP.”<sup>242</sup>

The Heidelberg Conflict Barometer for 2017 recorded that “The violent crisis over ideology and subnational predominance between Tehrik-e-Taliban Pakistan (TTP), Lashkar-e-Islam (LI) and Jamaat-ul-Ahrar (JuA), on the one hand, and various tribes led by their elders along with pro-government militias such as Aman Lashkar and government-supported peace committees, on the other hand, continued. The conflict primarily took place in the semi-autonomous Federally Administered Tribal Areas (FATA), but also spread to the neighboring province of Khyber-Pakhtunkhwa. Throughout the year, at least 15 people were killed and four injured in IED attacks and gun fights between the two parties”.<sup>243</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that “Lashkar-e-Jhangvi Al-Alami (LeJ-AA) emerged as a new militant outfit causing the highest number of fatalities in FATA this year [...] The militants who were reported to have been eliminated in security operations in FATA belonged to TTP/TTP-JA (12), Lashkhar-e-Islami (LI) (8), TTP (6), TTP-Sajna group (2)”<sup>244</sup>. It also provided the following illustrative table<sup>245</sup>:

<b>Table F4: Claimants of terror attacks in FATA - 2016 vs. 2017</b>		
<b>Claimants</b>	<b>2016</b>	<b>2017</b>
LeJ - AA/LeJ	0	93
TTP - JA	52	33
TTP - Shehryar Mehsud/LeJ-AA	0	25
Afghan militants	2	17
TTP-JA/Daish	0	14
Militants - unknown	0	11
TTP	4	10
Others	10	21
<b>Total</b>	<b>68</b>	<b>224</b>

The FATA Research Centre reported with regards to the major actors of instability in FATA that:

Tehreek-e-Taliban Pakistan, Islamic State of Khorasan (IS-K), Khan Said and Hakeemullah group of Mahsud Taliban, Wazir Taliban, Haqqani Network, Lashkar-e-Jhangvi Alami and TTP- Jamat-ul-Ahrar remained the major actor of instability during the year 2017. These terrorist groups currently based in Afghanistan by forming new alliances and re-invigorating the old ones were managed to carry out terrorist attacks against security forces, civilians and member of Aman Lashkar from January to December 2017.<sup>246</sup>

<sup>242</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>243</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Taliban-Tribes)*

<sup>244</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Balochistan* p. 41-2

<sup>245</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Balochistan* p. 42

<sup>246</sup> FATA Research Centre, [FATA Annual Security Report 2017](#), 13 January 2018, *Major Actors of Instability in FATA* p.24

The same source provided detailed summaries of these groups and their activities in the province.<sup>247</sup>

ACLED summarised in February 2018 the non-state armed groups operating in FATA as follows:

FATA, KP and Balochistan are all regions in which the most active non-state groups operate. Baloch Separatists and Lashkar-e-Jabbar (LeJ) are active in Balochistan, while the TTP, Afghani Taliban, Al Qaeda, Lashkar-e-Islam (LeI), and Jamaat-ul-Ahrar are mostly active in FATA and KP.<sup>248</sup>

### Islamic State (IS)

ACLED explained in a 1 March 2018 Analysis piece that “In 2017 and into 2018, IS’ focus has shifted towards the border regions with Afghanistan in Balochistan, Khyber Pakhtunkhwa, and FATA. However, the group still retains a presence in Karachi”.<sup>249</sup>

## 3.6 Islamabad Capital Territory (ICT)

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that “Among the victims of violence who lost their lives in the capital were 12 civilians, 3 security officials, and 1 criminal. [...] Casualties of violence in AJK, Islamabad and GB are as follows”<sup>250</sup>:

Table A1: Casualties in AJK, ICT and GB - 2017			
Region	Fatalities	Injuries	Total Casualties
AJK	0	6	6
ICT	16	107	123
GB	0	0	0
Total	16	113	129

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Islamabad that:

Overall security situation in Gilgit-Baltistan (GB), Islamabad Capital Territory (ICT) and Azad Jammu & Kashmir (AJK) remained stable throughout the year with only three militant attacks in ICT, two in AJK, and no militant attack in GB while security forces conducted four actions in AJK, three in ICT and two in GB.<sup>251</sup>

<sup>247</sup> FATA Research Centre, [FATA Annual Security Report 2017](#), 13 January 2018, *Major Actors of Instability in FATA* p.24

<sup>248</sup> ACLED, [Summary of Political Violence and Protest](#), 6 February 2018, *Pakistan*

<sup>249</sup> ACLED, Analysis, [Asia, Civilians At Risk, Infographics, Islamic State, Islamist Violence, Remote Violence, Violence Against Civilians](#), 1 March 2018

<sup>250</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Azad Jammu and Kashmir (AJK), Islamabad, and Gilgit Baltistan (GB)* p. 59

<sup>251</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Gilgit-Baltistan, Islamabad & Azad Jammu and Kashmir* p.41

### 3.6.1 Non-state armed actors operating in ICT

According to a February 2017 ACLED analysis piece reporting on the situation from 2010-2016, “the large cities, especially Karachi, Lahore and Islamabad-Rawalpindi, are periodically targeted by groups such as the Tehreek-i-Taliban Pakistan (TTP), Al Qaeda, or their affiliates in mass-casualty attacks”.<sup>252</sup>

### 3.7 Azad Kashmir and Gilgit-Baltistan

For comparative analysis of the security situation across the provinces, see the previous section:

[3. Security situation: Overview of the security situation by region, including sectarian violence, ethnic and political violence and civilian casualties.](#)

ACLED reported that with regards to Indian and Pakistan relations that “On September 18 [2016] a number of heavily-armed Jaish-e-Mohammad (JeM) militants staged an assault on the Indian army brigade headquarters at Uri, near the Line of Control (LoC), which resulted in the deaths of at least 17 soldiers and 4 militants. This was reported to be the deadliest attack by militants in Kashmir in over two decades. [...] Following the Uri attack, on September 29 India claimed to have executed ‘surgical strikes’ against suspected militant targets within Pakistan-administered Azad J&K, raising concerns about a serious escalation between the two countries. The Indian government claimed the strikes were ground operations that involved 70-80 special forces members (Indian Express, 1 October 2016), while news sources carried unconfirmed reports that around 30 militants were killed (BBC News, 30 September 2016). However, the Pakistani government dismissed these claims, contending that Indian forces had instead crossed the LoC in several areas but had been driven back in most cases resulting in two Pakistani soldiers killed, and that no surgical strikes on militant bases had taken place (BBC News, 23 October 2016)”.<sup>253</sup>

ACLED provided the following map of reported fatalities by event type on the India-Pakistan border in 2016<sup>254</sup>:

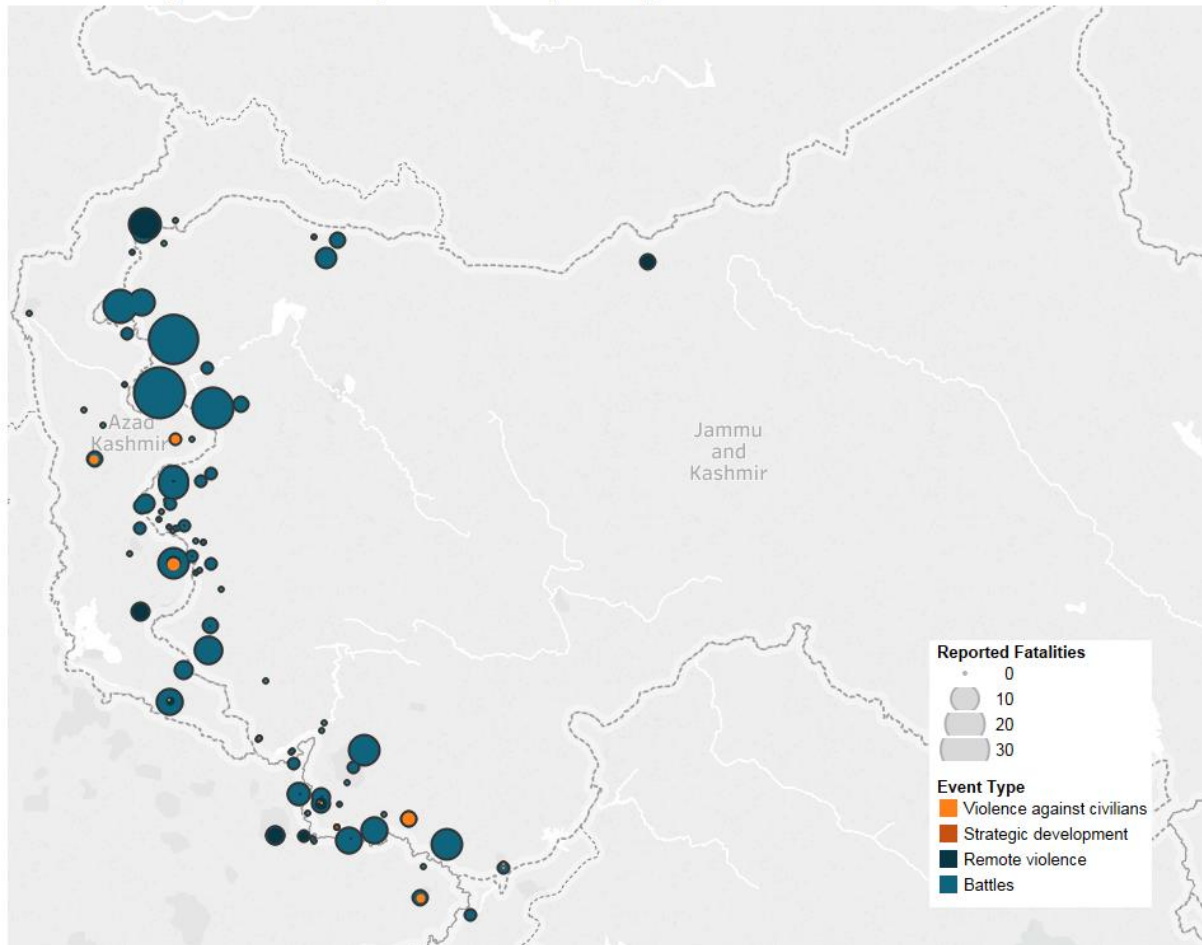
---

<sup>252</sup> ACLED, [Regional Violence in Pakistan](#), 7 February 2017

<sup>253</sup> ACLED, [India-Pakistan relations](#), 7 February 2017

<sup>254</sup> ACLED, [India-Pakistan relations](#), 7 February 2017

Figure 2: Number of Reported Fatalities by Event Type on the India-Pakistan Border in 2016.



The Heidelberg Conflict Barometer for 2017 recorded the following names of conflicts and conflict parties in Pakistan in 2017:

Throughout the year, Indian and Pakistani soldiers committed at least 167 violations of the 2003 ceasefire agreement along the Line of Control (LoC) and the International Border (IB) of Jammu and Kashmir state (J&K). In total, 163 people died, among them 48 Indian soldiers, 53 Pakistani soldiers, 22 Indian civilians, and 40 Pakistani civilians. At least 229 people from both sides were injured. Nearly two-thirds of casualties were injured between June and September, causing over 20,000 Indian civilians native to the border areas along the LoC and IB to flee their homes. The Indian government thus began the construction of 100 bunkers that could accommodate up to 1,500 villagers. Three Pakistani Rangers and one Indian civilian were killed in cross-border shootings along the LoC between Indian and Pakistani troops from February 6 to 16. On April 17, Indian troops killed eight Pakistani soldiers and injured several more in border skirmishes along the LoC in Rajouri district of J&K. Consequently, hundreds of villagers fled their homes in the border region.

On July 18 and 19, school children were evacuated after shots were fired between Indian and Pakistani troops along the LoC in Poonch and Rajouri district in J&K. Several school buildings near the border were damaged and closed.

Later in September, reportedly in response to Pakistani sniper and shelling attacks, the Indian Army launched Operation Arjun, targeting farms and houses of retired Pakistani army officers near the IB with heavy weapons such as mortars and anti-tank guided missiles. During the operation between September 27 and 29, Indian troops killed one Junior Commissioned Officer and three civilians. At least eleven people were injured.

On August 23, senior army commanders of India and Pakistan agreed to institute mechanisms for durable peace. The Director Generals of the border guarding forces of India and Pakistan met on



November 9 to discuss all border-related issues. On September 21, Pakistan's Prime Minister Shahid Khaqan Abbasi urged the UN to appoint a special envoy to Kashmir.<sup>255</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that “Among the victims of violence who lost their lives in the capital were 12 civilians, 3 security officials, and 1 criminal. [...] Casualties of violence in AJK, Islamabad and GB are as follows”<sup>256</sup>:

<b>Table A1: Casualties in AJK, ICT and GB - 2017</b>			
<b>Region</b>	<b>Fatalities</b>	<b>Injuries</b>	<b>Total Casualties</b>
AJK	0	6	6
ICT	16	107	123
GB	0	0	0
<b>Total</b>	<b>16</b>	<b>113</b>	<b>129</b>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to the security situation in Gilgit-Baltistan, Islamabad & Azad Jammu and Kashmir that:

Overall security situation in Gilgit-Baltistan (GB), Islamabad Capital Territory (ICT) and Azad Jammu & Kashmir (AJK) remained stable throughout the year with only three militant attacks in ICT, two in AJK, and no militant attack in GB while security forces conducted four actions in AJK, three in ICT and two in GB. Security forces arrested around 12 suspects associated with an organization Blawaristan Liberation Front which was aiming to target CPEC related projects. Police claimed that the organizations activities were funded by Indian intelligence agency RAW who wants to create destabilization in the region which is a starting point of CPEC on Pakistani side of the border with China.<sup>257</sup>

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that “As many as 20 cross-border attacks were reported during January 2018 – including 18 from across Indian border, along the Line of Control (LoC) in AJK and the Working Boundary – and 2 from Afghanistan. These attacks claimed 19 lives – 5 army soldiers, and 14 civilians – and injured 71 others, mostly civilians”.<sup>258</sup> The same source documented in its February 2018 monthly report that “One incident of landmine explosion killed two persons and injured another in Bhimber district of Azad Kashmir”.<sup>259</sup>

In February 2018 the Assessment Capabilities Project reported with regards to the Pakistan’s relationship with India that:

Pakistan’s relations with India have been tense for decades, but are currently going through their worst phase of the past five years. Cross-border shelling happens on a regular basis, and affects civilians. The latest incident occurred in 15 January [2018], when four Pakistani soldiers were killed in a mortar attack by Indian forces. Between May and July 2017, at least 35 people were killed in cross-border fire.

<sup>255</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Overview: Conflicts in Asia and Oceania in 2017* p.138

<sup>256</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Regional Breakdown, Azad Jammu and Kashmir (AJK), Islamabad, and Gilgit Baltistan (GB)* p. 59

<sup>257</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Security Situation in Gilgit-Baltistan, Islamabad & Azad Jammu and Kashmir* p.41

<sup>258</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>259</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018

Insurgent attacks on Indian army bases have complicated relations further. Indian officials believe Pakistan-based militant groups are responsible for the attacks.

Since the beginning of 2017, India has been fast-tracking hydropower projects in Kashmir, ignoring warnings from Islamabad that power stations on rivers flowing into Pakistan will disrupt water supplies. The projects were on hold for years but in 2016 the Indian prime minister suggested that sharing the waterways could be conditional on Pakistan acting on anti-India groups allegedly operating from its territory. Pakistan has said before that some of these projects violate a treaty on the sharing of the Indus River and its tributaries, upon which 80% of its irrigated agriculture depends.<sup>260</sup>

### 3.7.1 Non-state armed actors operating in Azad Kashmir and Gilgit-Baltistan

ACLED reported with regards to Indian and Pakistan relations that in 2016 “the most dramatic catalyst was a deadly attack in September by Jaish-e-Mohammad (JM) militants on an Indian army base in the Uri region of Indian-administered Jammu and Kashmir. [...] Early 2016 was fairly stable with a relatively low number of events and fatalities. However, the region began to see an upward trend in fatalities and events starting in May and continuing throughout the Summer. This included a significant rise in incidents of riots and protests in July, including incidents of violence against protesters. This unrest was touched off by the July 8 killing by Indian security forces of a Hizbul Mujahideen (HM) militant, Burhan Wani, who was well-known in the region due to his social media presence”.<sup>261</sup>

In a July 2017 article the Jamestown Foundation described Hizbul Mujahideen (HM) as “the largest Kashmiri militant group operating in the Kashmir Valley”.<sup>262</sup>

In a February 2018 article Combating Terrorism Center reported that “The region also hosts three prominent militant groups—the Hizb-ul-Mujahideen (HM), Lashkar-e-Taiba (LeT), and Jaish-e-Mohammad (JeM)—which historically have been linked to elements of the Pakistani state and largely favor Pakistan”.<sup>263</sup> Reporting on the potential expansion of the Islamic State into Jammu and Kashmir the same source noted that:

In early February 2016, the Islamic State announced its intention to expand into Kashmir as part of its broader Khorasan branch. One of the causes of concern associated with the spread of the Islamic State affiliate in Jammu and Kashmir (ISJK) is the existing instability within the region due to the controversial Line of Control (LoC) that divides the region into Indian and Pakistani controlled areas. The highly militarized Jammu and Kashmir (J&K) region constitutes a long-running territorial dispute between India and Pakistan, which has triggered at least three wars. [...]

If successful, an Islamic State-inspired movement may have severe negative consequences in the already volatile environment of Jammu and Kashmir, such as increased rivalry amongst militant groups and sectarian violence. This would not only exacerbate Pakistan’s current instability but also antagonize relations between the two nuclear-armed countries. [...]

The presence of Islamic State in J&K progressed gradually during 2017, starting with reports of Islamic State flags being waved during rallies and protests around the valley. While this claim is still pending official verification, Islamic State’s Amaq news agency claimed responsibility for an attack in Srinagar on November 17, 2017, which killed an Indian policeman. The militant killed in the attack, Mugees Ahmed Mir, is suspected to have been inspired by the Islamic State’s online propaganda and was found wearing an Islamic State T-shirt at the time of the attack.<sup>2</sup> For the most part, though, signs of ISJK’s existence have largely been observed in the online realm alone. Since late 2017, the pro-Islamic State

---

<sup>260</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 7 February 2018, *Relations with India*

<sup>261</sup> ACLED, *India-Pakistan relations*, 7 February 2017

<sup>262</sup> Jamestown Foundation, *Sanctioning Syed Salahuddin: Too Little, Too Late*, 28 July 2017

<sup>263</sup> Combating Terrorism Center, *An Idea or a Threat? Islamic State Jammu & Kashmir*, 9 February 2018

J&K-focused media group Al-Qaraar has engaged in a social media campaign, directing messages tailored to inspire a Kashmiri audience.<sup>264</sup>

A February 2018 Long War Journal article noted that “Pakistan has supported the insurgency in Jammu and Kashmir by permitting the establishment of terrorist groups that are committed to waging jihad in the Indian state and beyond. The Pakistani military created the United Jihad Council, an umbrella organization that coordinates activities of terror groups operating in Jammu and Kashmir. Both Jaish-e-Muhammad and Lashkar-e-Taiba are two key members. The United Jihad Council is led by Syed Salahuddin, the emir of Hizbul Mujahideen (HM). Salahuddin is listed by the US as a global terrorist and HM as a Foreign Terrorist Organization”.<sup>265</sup>

## 4. Overview of human rights abuses by non-state armed groups

### 4.1 Occupying humanitarian space and forced recruitment

For information on state-perpetrated forced recruitment, see [5.5. Forced and/or underage recruitment](#).

Child Soldiers International noted in February 2018 that “non-state armed groups also recruit children in India Pakistan, Israel/State of Palestine, Libya, Philippines and Thailand”.<sup>266</sup>

In the EASO Country of Origin report on Afghanistan published in September 2016, country expert Antonio Giustozzi is cited:

[...] Antonio Giustozzi says that much of the Taliban’s recruitment still occurs in the Afghan refugee settlements and in madrassas in Pakistan. The majority of the full-time fighters in the Taliban’s mobile units are recruited there.<sup>267</sup>

The UN Committee on the Elimination of Racial Discrimination (UNCERD) stated in October 2016 that:

The Committee is particularly concerned at reports that madrasas are given the autonomy to develop their own curricula without State oversight and that the curricula of some madrasas have content that promotes hatred, and have been used as a platform for military training and recruitment.<sup>268</sup>

The Ministry of Foreign Affairs of the Netherlands noted in their country report on Afghanistan, dated November 2016, that:

Anti-government groups use their underage recruits to manufacture and transport Improvised Explosive Devices (IEDs) and carry out suicide attacks. There is growing concern about cross-border recruitment of children and the use of religious schools in Afghanistan and Pakistan for recruitment and military training by the Taliban and other AGEs.<sup>122</sup> Although the Taliban officially no longer permit the

---

<sup>264</sup> Combating Terrorism Center, [An Idea or a Threat? Islamic State Jammu & Kashmir](#), 9 February 2018

<sup>265</sup> Long War Journal, [Pakistani terror groups launch multiple attacks in Jammu and Kashmir](#), 14 February 2018

<sup>266</sup> Child Soldiers International, [Where are the child soldiers?](#), undated [accessed 27 April 2018]

<sup>267</sup> EASO, [Country of Origin Information Report, Afghanistan: Recruitment by armed groups](#), September 2016, p25

<sup>268</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan](#), 3 October 2016, para 17

recruitment of children, in practice it still regularly occurs. Younger children are often used to carry weapons, as messengers or spies, or to make and install IEDs.<sup>269</sup>

Human Rights Watch reported in its annual report on the human rights situation in 2016 published in March 2017 that “Use of child suicide bombers by the Taliban and other armed groups continued in 2016”.<sup>270</sup>

In March 2017, Dawn News reported that “US Secretary of State Rex W. Tillerson has warned that the militant Islamic State (IS) group wants to recruit young people from Pakistan, Afghanistan and Iraq and has stepped up its efforts in those places”.<sup>271</sup>

Human Rights Watch further noted in March 2017 in a submission to the Universal Periodic Review of Pakistan that:

The Pakistani government failed to establish the National Commission on the Rights of the Child, an independent body to protect and enforce child rights in the country. [...] Armed militant groups recruited children into combat. Security forces, political groups, and criminal gangs have also occupied and used education institutions, denying children the right to education.<sup>272</sup>

The US State Department noted in the 2016 Country Report on Human Rights Practices dated 3 March, 2017 that:

Child Soldiers: 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 the acts they committed were justified. The government operated a center in Swat to rehabilitate and educate former child soldiers.<sup>273</sup>

The US State Department noted in its 2017 Trafficking in Persons report published in June 2017 that:

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 IDPs, due to natural disasters and domestic military operations, are vulnerable to trafficking.<sup>274</sup>

An August 2017 EASO report on the security situation in Pakistan noted that “Different sources reported that IS has recruitment networks in several major urban regions such as Peshawar and Karachi.”<sup>275</sup>

The UN Secretary-General’s 2016 Children and Armed Conflict report found that:

Reports of the recruitment and use of children, including from madrassas, continued to be a concern and incidents of the use of children by armed groups for suicide bombings were reported. In a

---

<sup>269</sup> The Ministry of Foreign Affairs of the Netherlands, [Country of Origin Report on Afghanistan](#), November 2016, page 27

<sup>270</sup> Human Rights Watch, [Annual report on the human rights situation in 2016](#), 12 January 2017, *Children’s rights*

<sup>271</sup> Dawn, [IS recruiting in Pakistan, Afghanistan, says US](#), 24 March 2017

<sup>272</sup> Human Rights Watch, [Submission to the Universal Periodic Review of Pakistan](#), 30 March 2017

<sup>273</sup> US State Department, [2016 Country Reports on Human Rights Practices: Pakistan](#), 3 March 2017, *Section 1g*

<sup>274</sup> US State Department, [2017 Trafficking in Persons Report](#), 27 June 2017

<sup>275</sup> EASO, [Pakistan Security Situation August 2017](#), 4 August 2017, p25

particularly troubling incident, on 12 November at least 52 people were killed and more than 100 wounded when a teenage suicide bomber blew himself up at the Shah Noorani shrine in Balochistan.<sup>276</sup>

The Combating Terrorism Center at West Point stated in a report dated 14 September 2017 that in August 2017 that the TTP made a direct appeal to recruit educated Pakistani women. The report noted that:

A direct solicitation of female participation in operational activities by TTP, however, denotes a dangerous shift in the group's tactics and potentially in the nature of jihadi violence within Pakistan. [...]

TTP emphasizes the significance of women's traditional roles as wives and mothers to support jihad. An interview of a woman, supposedly TTP leader Mullah Fazlullah's wife, stresses women's role in increasing the group's physical membership through childbearing and indoctrination of their offspring as future fighters.<sup>277</sup>

Dawn news reported in October 2017 that in Pakistan "There are many manifestations of modern slavery: [including] [...] unlawful recruitment and child soldiers [...]."<sup>278</sup>

The US Institute for Peace reported on 11 October 2017 that:

When he was 11 years old in a mountain valley of northwest Pakistan, Taliban fighters indoctrinated the boy as a suicide bomber and fitted him with an explosives-filled vest. Whenever their commander appeared in public, the boy's job was to walk a distance in front of him. The commander held the bomb's remote control and, if he saw danger approaching, would detonate the boy. Traumatized by constant fear, the boy bomber decided to escape. [...]

He soon was detained by the Pakistani army, among hundreds of extremist fighters. Uncertain what to do with such young militants, the army called one of Pakistan's few prominent psychologists, a grandmotherly doctor named Feriha Peracha. She quickly began developing a program that has "de-radicalized" former Taliban fighters—using mental health therapies and education to reverse their commitment to extremist ideology and their readiness to commit violence. [...]

In the eight years since Peracha took the army's call, she has led in developing the Sabaoon Rehabilitation Center, whose staff members have undone the Taliban's indoctrination of 192 former fighters and reintegrated them into their communities.<sup>279</sup>

The same US Institute for Peace report further stated:

Peracha's fieldwork, like many scholarly inquiries, underscores that extremists recruit in disparate ways, most often by exploiting the vulnerable. The Taliban prey notably on youths who are alienated or isolated from their families or communities, whether by poverty, low social status, exclusion from schools, or the absence of their fathers, Peracha's team has found. They target boys young enough to mold, typically in their early teens, but as young as 10. [...]

Some boys Peracha has treated were virtually abducted, she says. Armed Taliban have canvassed villages to pressure residents for contributions. If families cannot offer cash, the militants have pressed them to provide a child recruit instead. Children whose adult relatives are militants may be trained ideologically and militarily at home.<sup>280</sup>

---

<sup>276</sup> UN Secretary-General, [Children and armed conflict](#), 24 August 2017, para 218

<sup>277</sup> Combating Terrorism Center, [Militant Rivalries Extend to Female Recruitment in Pakistan](#), 14 September 2017

<sup>278</sup> Dawn, [Addressing Pakistan's modern slavery problem](#), 16 October 2017

<sup>279</sup> US Institute for Peace, [How Pakistan Deradicalizes Taliban Fighters](#), 11 October 2017

<sup>280</sup> US Institute for Peace, [How Pakistan Deradicalizes Taliban Fighters](#), 11 October 2017

### Social media recruitment

Radio Free Europe noted in an August 2017 news report that:

An investigation by Radio Mashaal, however, reveals that 37 of 65 banned militant organizations in Pakistan still thrive on social media. These groups use more than 400 social media accounts for propaganda and recruitment.

Activists say that Pakistani youth, a majority of the country's estimated 200 million people, as particularly vulnerable. They also make up a majority of the 18 percent of Pakistanis able to access the Internet, according to a 2016 International Telecommunication Union report.<sup>281</sup>

On 11 January 2017, IRIN News reported that:

[...] a senior counter-terrorism official told IRIN that 14 Pakistanis joined IS in October alone, while hundreds more are also believed to be in touch with the recruiters through social media.

"The IS recruiters contact young, educated Pakistani men and women through Facebook, telegram, and other social media platforms and convince them to join the IS in Syria and Afghanistan," said the official, who requested his name be withheld due to the sensitive nature of the subject [...]

The resources include cash payments to families of new recruits, according to the official as well as the brother of another young Pakistani man who has joined IS and is now in Afghanistan for training.<sup>282</sup>

### Occupying humanitarian space

The US Department of State annual report on Pakistan covering 2017 stated that "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."<sup>283</sup>

The Safeguarding Health in Conflict Coalition provided an overview of attacks on aid workers in Pakistan during 2016 stating that "As of 2015, Pakistan had the sixth highest number of attacks against aid workers in the world, though explicit attack counts are not available for 2016 (at the time of the writing of this report). An increase in the timely deployment of adequate security for vaccinators during campaigns led to a significant overall reduction of polio cases in 2016 nationwide. Despite this, polio vaccination workers remain subjected to attacks of varying degrees of severity. It is worth noting that many of these attacks— primarily orchestrated by militant groups such as the Taliban—happened in areas of endemic wild poliovirus transmission".<sup>284</sup>

The Express Tribune similarly noted in an August 2017 article that "In Pakistan, humanitarians have sadly been targeted, with more than 100 polio vaccinators, and those who were protecting them, killed between 2012 and 2016 in areas with high militancy".<sup>285</sup>

In a March 2018 report the Assessment Capacities Project (ACAPS) noted with regards to humanitarian access in Pakistan that "Aid agencies struggle to deliver assistance because they lack government permission to operate in areas where humanitarian needs are high. In the second half of 2017 over 20

---

<sup>281</sup> Radio Free Europe/ Gandhara, [Pakistan Extremist Groups Thrive on the Ground and Online](#), 17 August 2017

<sup>282</sup> IRIN, [Islamic State ramps up recruitment in Pakistan](#), 11 January 2017

<sup>283</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 2. Internally Displaced Persons

<sup>284</sup> Safeguarding Health in Conflict Coalition (Author), published by BAAG – British & Irish Agencies Afghanistan Group, [Impunity must end: Attacks on Health in 23 Countries in Conflict in 2016](#), May 2017, p. 37

<sup>285</sup> The Express Tribune, [World Humanitarian Day](#), 19 August 2017



INGOs [International Non-Governmental Organizations] had their permissions revoked, indicating a deteriorating operating environment”.<sup>286</sup>

For information on the targeting of polio workers, see *4.7.3 Polio vaccination workers and their police escorts*.

## 4.2 Forced displacement

For information on the human rights abuses experienced by IDPs see [15. Treatment of internally displaced persons](#).

For an overview of the humanitarian situation for IDPs, see [1.2.1. Humanitarian situation faced by IDPs](#).

In its Global Report on Internal Displacement for 2016 the International Displacement Monitoring Centre (IDMC) stated that there were 2,400 new conflict induced displacements in Pakistan in 2016. The source noted that “IDMC bases its estimate on reports by UNHCR which track persons registered as IDPs and verified as such by Pakistan’s National Database and Registration Authority, covering the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa”.<sup>287</sup>

The US Department of State annual report on Pakistan covering 2017 observed that “Large population displacements continued as a result of militant activity and military operations in FATA. A total of 5.3 million residents of FATA were displaced since 2008, some of them multiple times”.<sup>288</sup> Furthermore, “Despite large-scale recurring displacements of individuals due to natural disasters and disruptions caused by terrorist activities and counterterrorist operations, the government had not adopted specific legislation to tackle internal displacement problems. In addition, the National Disaster Management Act of 2010 does not provide any definition of IDPs or their rights”.<sup>289</sup>

FATA Research Centre noted in its annual security report for 2017 that “Terrorist outfits based in Afghanistan had established their bases in Wachu Bibi area of North Waziristan and Rajgal area of Khyber agencies. By using these bases, they were carrying out terrorist attacks FATA and other parts of Pakistan, particularly during the first half of 2017. However, these bases were destroyed in after intensive military operation in Khyber and North Waziristan agencies in the reporting year. Likewise, more than 200 families, largely women and children were forcefully displaced when a military operation, as part of ongoing operation “Rah-e-Nijat” was launched in Shaktoi area of South Waziristan Agency”.<sup>290</sup>

A 2018 update by the International Displacement Monitoring Centre described the displacement situation in Pakistan during 2017 as follows: “Internal displacement in 2017 continued to take place mainly in the north-western parts of the country, particularly in Khyber Pakhtunkhwa (KP) and the Federally Administered Tribal Areas (FATA). While people in KP and FATA remain displaced due to conflict, sectarian violence and human rights abuses since 2004, UNHCR and its partners continue to facilitate the return process. However, IDMC’s figures are likely to underestimate the true scale of

---

<sup>286</sup> Assessment Capacities Project (ACAPS), [Humanitarian Access Overview](#), 15 March 2018, p. 3

<sup>287</sup> International Displacement Monitoring Centre, [Global Report on Internal Displacement](#), May 2017, p. 122

<sup>288</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 2. D Internally Displaced Persons (IDPs)

<sup>289</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 2. D Internally Displaced Persons (IDPs)

<sup>290</sup> FATA Research Centre, [FATA Annual Security Report 2017](#), 13 January 2018, p. 3

displacement because primary data sources, such as UNHCR, exclude unregistered IDPs living in KP and the FATA and those living elsewhere in the country”.<sup>291</sup>

The same source further mapped the major displacement events in Pakistan during 2017. The source identified Chaman, a disputed area which straddles the Afghanistan and Pakistan border as being one of the main area of displacement noting that “About 15.000 people were displaced due to tensions over territory between Afghanistan and Pakistan which included indiscriminate firing and shelling by Afghan forces”. Other areas where displacement occurred during 2017 were according to the IDMC report Abbasur and Sialkot sectors where “53.000 people were force to flee due to cross-border firing with India”.<sup>292</sup>

### 4.3 Land confiscations

Human Rights Watch noted in a September 2016 report that “Police officers told Human Rights Watch that increasing demands placed on the police have made maintaining law and order and ensuring public safety more arduous in Pakistan. In addition to regular policing duties, the government has placed the burden on the police to counter threats and violence posed by armed extremist groups and organized crime related to the arms and drug trades and land-grabbing”.<sup>293</sup>

International Crisis Group reported in a February 2017 report that “By 2013, the TTP [Tehrik-e Taliban] threat had grown considerably, with an estimated 8,000 members operating in the city. Forcibly acquiring land for supporters and sympathisers, they drove residents out of strongholds in Karachi West and Malir. TTP factions hired local criminals to help finance their activities, who in turn leveraged TTP links against rivals. Karachi thus changed from a city in which jihadist combatants mainly rested and recuperated from fighting elsewhere to one that also generated vital funding. TTP-run extortion rackets, for instance, targeted marble factory owners in strongholds such as Manghopir, while kidnapping for ransom and robberies generated additional revenue.”<sup>294</sup>

Shehryar Fazli, Senior Analyst and Regional Editor of International Crisis Group reported on the activity of the land mafia in Karachi in a February 2018 EASO report, “Land mafias, or qabza groups, land-grabbing groups armed to the teeth, with the collusion of State officials, are able to acquire both private and public land illegally. Public lands are illegally regularized by local government officials and then sold at a very low price to these mafias”.<sup>295</sup>

The same source further stated that “Cemeteries are being taken over, slums, and all of this – it is not one mafia, it is not one qabza group. The political parties that are ethnic based have allied groups and there is an ethnic component to all this property grabbing where – let us just say, to simplify things – you take over a building, you then fill that building with members of your ethnic group and create yet another segregated little bastion of patronage”.<sup>296</sup>

---

<sup>291</sup> International Displacement Monitoring Centre, [Pakistan. Global Report on Internal Displacement \(GRID 2018\)](#), 2018, p. 2

<sup>292</sup> International Displacement Monitoring Centre, [Pakistan. Global Report on Internal Displacement \(GRID 2018\)](#), 2018, p. 3

<sup>293</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 5

<sup>294</sup> International Crisis Group, [Pakistan: Stoking the Fire in Karachi](#), 15 February 2017, p. 9

<sup>295</sup> [Shehryar Fazli] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome, February 2018](#), p. 90

<sup>296</sup> [Shehryar Fazli] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome, February 2018](#), p. 90

Bloomberg noted in a September 2017 article with regards to the situation in Karachi that “A military clean up in 2013 has to some extent pushed out political militias and insurgent groups and, on his first visit to the city as prime minister, Shahid Khaqan Abbasi, last month vowed to continue action ‘against terrorists belonging to banned organizations, target killers, extortionists, street criminals and land mafia’”.<sup>297</sup>

The Express Tribune reported in November 2017 that “Land grabbers in the city will be targeted during a crackdown by the Sindh government, police and Rangers. This was decided during the apex committee’s 21st meeting on Wednesday. The meeting, chaired by Chief Minister Murad Ali Shah, also discussed crucial issues such as street crime, ghost employees, illegal immigrants and cybercrime but land grabbing dominated the agenda and was termed by participants an ‘organised crime being committed by militants and organised mafias’. ‘The money generated through land grabbing is used in crime and terrorism,’ revealed intelligence officials”.<sup>298</sup>

#### 4.4 Arbitrary taxation and extortion

A November 2016 Jamestown Foundation article recorded that “Islamist militants, whether operating in Karachi or in other parts of the country, treat Karachi as a safe haven and a source of funding, obtained through extortion, kidnapping and robbery”.<sup>299</sup>

The Nation reported in December 2016 on extortion calls made by militants against traders in Karachi:

Militants, associated with defunct organisations, hiding in Afghanistan, are making extortion calls to the businessmen of Karachi’s Central Vegetable and Fruit Market (Sabzi Mandi).

The Nation has learnt that hundreds of fruit and vegetable wholesalers doing businesses at new Sabzi Mandi, located at Main Superhighway, near Sohrab Goth, which is considered the stronghold of militants, remain vulnerable to the threats from different militant groups for the last many years. Resultantly, they have to pay the money to these gangs of criminals in lieu of protection.

Sources in the market revealed to this scribe that although the militants managed to flee, still they did not give up extortion, and started calling to different businessmen from their hideouts in Afghanistan and forced them to finance terrorism.

Superhighway police have recently registered a case on the complaint of Haji Shaista Khan Achakzai, a fruit vendor, against unknown callers. Achakzai gave details about calls from Afghanistan’s phone numbers. He explained that the terrorists knew each and everything and even mentioned the location and movement while making calls.

Sources privy to the matter told The Nation on condition of anonymity that there were more than 8,000 vendors, mostly hailing from Bajaur, Waziristan and other parts of KP, having association with militant groups.

They further pointed out that facilitators of the militants were present in the market.<sup>300</sup>

Reuters reported in December 2016 on the Taliban’s practice of demanding protection money from traders in Swat Valley:

When Pakistani shopkeeper Abdur Rahim’s phone rang in mid-October, he was shocked to hear the voice of a senior militant commander demanding protection money from him and his fellow traders in the Swat Valley. The menacing call was taken seriously in a northern pocket of the country where Pakistani Taliban insurgents took partial control in 2007, before being ousted two years later in a major military operation hailed as a telling blow against Islamist violence.

---

<sup>297</sup> Bloomberg, [‘Land Mafia’ Killing Exposes Dark Underbelly of Pakistan’s Property Boom](#), 11 September 2017

<sup>298</sup> The Express Tribune, [Rangers, police to take on land grabbers in Karachi](#), 16 November 2017

<sup>299</sup> Jamestown Foundation, [Karachi’s Security Crackdown a Boost for Pakistan’s Islamists](#), 11 November 2016

<sup>300</sup> The Nation, [Sabzi Mandi traders receiving extortion calls from Afghanistan](#), 1 December 2016

Locals fear that recent threats of extortion and a spate of targeted killings earlier this year mark an attempt by the Taliban to regain a foothold in the picturesque, mountainous area they once ruled with an iron fist.

[...] During the Oct. 19 conversation, Mullah Akhtar, a commander close to Tehreek-e-Taliban Pakistan (TTP) chief Mullah Fazlullah, ordered Rahim to collect money from 15,000 members of the Swat Traders' Federation, of which he is president. But in a tense exchange, Rahim refused to cooperate, and told Akhtar militants were not welcome in Swat.

According to Rahim, Akhtar boiled over with rage: "I will blow you up, so that even the doctors won't be able to find the pieces." Since the call, Rahim's life has changed. Speaking to Reuters in Swat's main town of Mingora, he stood flanked by two armed policemen, while plainclothed officers keep a watchful eye in the background. CCTV cameras monitor his home.

[...] Local traders applauded Rahim's stand against the Taliban, but some were not sure if they would follow his example if faced with demands for protection money themselves.

"If we get a call, then what can we do? We will bear the decision like a stone on our hearts, but we have no choice," said Nisar Ahmed. Rahim is steadfast in his resistance. Recently he started breeding dogs, widely considered unclean in Islam, for his own protection. "I used to hate keeping dogs. But you need to keep a dog to fight a dog," he said. "They (the Taliban) are hungry now. And like a dog bites a man out of hunger, they're biting, too."<sup>301</sup>

The U.S. Department of State report for 2017 explained that "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. Natural disasters and instability caused by terrorist activity and military operations elsewhere in the country motivated ongoing relocation of citizens from different ethnic groups—including Sindhi, Baloch, and Pashtun migrants—to Karachi. This trend continued to shift the balance among political parties and the ethnic and sectarian groups they represented. Political parties and their affiliated gangs continued to vie for political and economic control, engaging in a turf war over bhatta (extortion) collection privileges and "ownership" over katchi abadis (illegal/makeshift settlements)."<sup>302</sup>

Human Rights Watch stated in a March 2017 report that "Islamist extremist groups and factions of political parties have attacked schools for not paying extortion money".<sup>303</sup>

In a July 2017 report the US Department of State noted with regards to the terrorist group Lashkar I Jhangvi that "Funding comes from wealthy donors in Pakistan, as well as the Middle East, particularly Saudi Arabia. The group engages in criminal activity, including extortion, to fund its activities".<sup>304</sup>

The same source stated with regards to Tehrik-e Taliban (TTP) that "TTP is believed to raise most of its funds through kidnapping ransoms, criminal activity, and extortion".<sup>305</sup>

The European Asylum Support Office similarly noted in its August 2017 report on Pakistan that "The TTP [Tehrik-e Taliban] finances its activities through extortion and smuggling".<sup>306</sup>

The Express Tribune reported in a February 2017 article on the practice of money extortion by militants in Pakistan:

---

<sup>301</sup> Reuters, [Taliban demands for cash stir fears of comeback in Pakistan's Swat Valley](#), 12 December 2016

<sup>302</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1 g, Killings

<sup>303</sup> Human Rights Watch, ["Dreams Turned into Nightmares" Attacks on Students, Teachers, and Schools in Pakistan](#), March 2017, p. 15

<sup>304</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 6 - Lashkar I Jhangvi](#), 19 July 2017

<sup>305</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 6 - Tehrik-e Taliban Pakistan](#), 19 July 2017

<sup>306</sup> European Asylum Support Office, [Pakistan Security Situation](#), August 2017, p. 21

“At least 70 per cent people threatened by militants pay up extortion money without informing any law-enforcement agency, a police official told The Express Tribune on Friday.

He said that evidence suggested that only 30 per cent of people who received extortion demands approached police.

“Most people who approach police include those who already paid off militants once ... They approach police when they are asked to pay up a second time,” said the official, adding that politicians mostly refused to entertain militants’ demands and ask for police help.

“Such people are (mostly) invited over phone by militants to visit the Chaknawar area in Afghanistan for negotiating the amount to be paid. Reports also suggest that whenever someone visited Afghanistan to strike a bargain, he provides militants with details of his opponents to ensure they also suffer the same fate,” he said, adding that Jamatul Ahrar (JuA), one of the terrorist splinter groups based in Afghanistan, was again in a domineering position because of the inflow of funds.

“JuA’s network is spread between Karachi and Mohmand Agency as well as Peshawar and Charsadda”.<sup>307</sup>

Voice of America reported in a March 2017 article that “Waves of crime in Pakistan — including extortion, smuggling and kidnapping for ransom — are major sources of terrorist financing for extremist groups in the country, according to a new government report obtained by Pakistani media. [...] ‘Main sources of income of terrorists in Pakistan include foreign funding, drug trafficking, kidnapping for ransom, extortion from business, vehicle snatching,’ according to the 45-page confidential report by FMU [Financial Monitoring Unit], which is an intelligence service department within the Ministry of Finance.”<sup>308</sup>

Dawn reported in a July 2017 article that “A comparative study of major heads of crime for 46 months during and before the Karachi operation shows that extortion cases have increased though incidents of terrorism, targeted killings and kidnapping for ransom registered a significant decrease, it emerged on Friday. Informed sources told Dawn that a total of 891 cases of extortion were reported in the provincial capital in 46 months before the launch of the operation in September 2013, while the number of cases jumped to 1,135 in the same period during the operation”.<sup>309</sup>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 that “Extortion money was biggest source of income for TTP Jamat-ul-Ahrar however; nationwide intelligence operation had almost dismantled its network. Nevertheless, the group has once again started to revive extortion activities in FATA and KPK. The group calls businessmen in Peshawar from Afghanistan using Afghanistan phone networks. A panic like situation is observed in provincial capital. The issue was raised with Afghan Ambassador to Pakistan but no positive outcome was reported”.<sup>310</sup>

Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies (PIPS), stated in a February 2018 EASO with regards to the practice of extortion issued by militants groups belonging to the Barelvi school of thought “The Barelvi awakening has different characteristics altogether in the groups operating in Karachi. In Karachi they may issue threats to the business community for extortion of money, and they may issue threats to academia, intellectuals, and if you look at it most of the target killings of academic professors have been reported in Karachi in the last 5-6 years”.<sup>311</sup>

---

<sup>307</sup> The Express Tribune, [Most people pay up extortion: police](#), 11 February 2017

<sup>308</sup> Voice of America, [Report: Pakistan Terror Groups Get Rich From Crime, Money Laundering](#), 23 March 2017

<sup>309</sup> Dawn, [Extortion cases increased despite targeted operations, reveals study](#), 15 July 2017

<sup>310</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Finance through extortion money* p.48

<sup>311</sup> [Muhammad Amir Rana] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, p. 64

## 4.5 Attacks on education

For children's access to education, see [8.1 Access to education](#)  
For access to education for women see, [7.2.2 Access to education](#)

The Express Tribune has produced a timeline of militant attacks on schools from 2012-2017, available [here](#).<sup>312</sup>

Human Rights Watch noted the legislative framework relating to military attacks and schools in Pakistan:

Manoeuvres, Field Firing and Artillery Practice Act, 1938

Article 3: Power exercisable for purpose of manoeuvres.

- (1) Where a notification under sub-section (1) of section 2 has been issued, such persons as are included in the military forces engaged in the manoeuvres may, within the specified limits and during the specified periods,\_\_\_
  - (a) pass over, or encamp, construct military works of temporary character, or execute military manoeuvre on, the area specified in the notification, ...
- (2) The provisions of sub-section (1) shall not authorise entry on or interference with any ... educational institution...<sup>313</sup>

Amnesty International explained that "In December 2014, soon after an attack by Taliban gunmen on the Army Public School in Peshawar which killed 141 people, among them 132 children, the government announced a National Action Plan to combat terrorism".<sup>314</sup>

UNICEF's 2016 Pakistan Annual Report noted that "In recent years, Pakistan schools have been vulnerable to militant attacks and natural disasters, with serious impacts on education, while unrest and insecurity have weakened social bonds amongst young Pakistanis".<sup>315</sup>

Human Rights Watch noted in March 2017 that:

Attacks by the Taliban and other militant groups are having a devastating impact on education in Pakistan, Human Rights Watch said in a new report [...] militant violence has disrupted the education of hundreds of thousands of children, particularly girls. The report also documents instances of military use of educational institutions.

"The Taliban and other militants have repeatedly committed horrific attacks on Pakistani schools, depriving students of their lives as well as their educations," said Bede Sheppard, child rights deputy director at Human Rights Watch. "These audacious attacks often occur because, too often, authorities have protected militants or failed to properly prosecute them, and this needs to change." [...]

It [the report] documents attacks by militants from January 2007 to October 2016 that have destroyed school buildings, targeted teachers and students, and terrorized parents into keeping their children out of school. These attacks have often been directed at female students and their teachers and schools, blocking girls' access to education. The report also examines occupation of educational institutions by security forces, political groups, and criminal gangs.

Pakistani students in Lahore return to school under high alert security after the December 16, 2014 attack by the Pakistani Taliban on the Army Public School in Peshawar, January 1, 2015. Pakistan's

---

<sup>312</sup> The Express Tribune, [Timeline: Militant attacks on schools from 2012-2017](#), 1 December 2017

<sup>313</sup> Human Rights Watch, [Protecting Schools from military use](#), 20 March 2017 [*Manoeuvres, Field Firing and Artillery Practice Act, Act No. V of 1938, March 12, 1938, art. 3*]

<sup>314</sup> Amnesty International, [Submission to the UN Human Rights Committee, 120<sup>th</sup> session, 3-28 July 2017](#), 2 June 2017, p5

<sup>315</sup> UNICEF, [Pakistan Annual Report 2017](#), 21 June 2017, p21



militant Islamist groups, including the Taliban, Lashkar-e-Jhangvi, and their affiliates, use attacks on schools and universities to foster intolerance and exclusion, to target symbols of the government, and particularly to drive girls out of school. A Taliban commander claiming the attack on Bacha Khan University in KP in January 2016 said, “We will continue to attack schools, colleges, and universities across Pakistan as these are the foundations that produce apostates.”<sup>316</sup>

Human Rights Watch further noted in the same report with regards to the frequency of attacks that:

The Pakistani government does not collect specific data on the number of attacks on schools and universities, or the number of deaths and injuries from such attacks. However, according to the Global Terrorism Database, there were 867 attacks on educational institutions in Pakistan from 2007 to 2015, resulting in 392 fatalities and 724 injuries. The Global Coalition to Protect Education from Attack recorded at least 838 attacks on schools in Pakistan between 2009 and 2012, leaving hundreds of schools damaged. In December 2015, the Ministry for States and Frontier Regions (SAFRON) reported that in 2015, 360 schools were destroyed in three of the seven regions of Federally Administered Tribal Areas (FATA). [...]

In some areas, government forces have used educational institutions, including both schools and college hostels, as temporary or permanent barracks or military bases. When educational facilities are used for military purposes, it places them at increased risk of attack. The government should issue clear and public orders to Pakistan security forces to curtail the military use of schools. [...]

Despite hundreds of attacks on teachers, students, and educational institutions, the Pakistani government has not successfully prosecuted the perpetrators in most instances.<sup>317</sup>

The same report found with regards to the purpose and impact of such attacks that:

Militant groups have damaged and destroyed school buildings, attacked teachers and students, and terrorized parents into keeping their children out of school. They have also targeted colleges and other higher-education institutions. Such attacks and threats of attack on education not only harm the students and families directly affected, they have an incalculable long-term effect on Pakistani society. In addition, in some areas, government security forces have used educational institutions, including schools and college hostels or dormitories, as temporary or permanent barracks or military bases. When an educational facility is used for military purposes, it disrupts the school’s functioning, places it at increased risk of attack, and often frightens parents into keeping their children—especially girls—at home. Criminal gangs, often operating with political patronage, have also occupied schools.

Pakistan’s militant Islamist groups use attacks on schools and universities to foster intolerance and exclusion, to target symbols of the government, and particularly to enforce gender discrimination, notably by preventing the education of girls. [...]

Tehreek-i-Taliban Pakistan (TTP), the Lashkar-e-Jhangvi (LeJ), and several other Islamist militant groups across the country attack schools, teachers, and students for various reasons. Some target schools for supposedly having “too secular” or Western curricula. Other schools have been threatened and targeted simply for educating girls. Militants also view schools as symbols of the Pakistani state. Some groups say they attack schools because they are used as bases by the security forces.

Militants often target unoccupied school buildings. The primary goal of these attacks is not to physically harm students or teachers, but to disrupt the educational process, particularly at girls schools.

While education remains under threat across Pakistan, teachers, professors, and school administrators are particularly at risk in KP, Balochistan, and FATA. For instance, in December 2015, the Ministry for States and Frontier Regions (SAFRON) reported that 360 schools were destroyed in three of the seven regions of FATA in 2015 [...]

---

<sup>316</sup> Human Rights Watch, [Pakistan: Attacks on Schools Devastate Education](#), 27 March 2017, *Bacha Khan University, Charsadda, KP*

<sup>317</sup> Human Rights Watch, [Pakistan: Attacks on Schools Devastate Education](#), 27 March 2017

General insecurity and violence aimed at education compounds other barriers that keep children, especially girls, from going to school. Attacks on education disproportionately affect women and girls.<sup>318</sup>

The report also noted the military use of schools in several conflict zones and urban centers: “Educational institutions in several conflict zones in Swat and FATA, and even in urban centers such as Karachi, have been taken over by the armed forces for use as barracks or bases”.<sup>319</sup>

Amnesty International noted in a submission published in June 2017 that:

In recent years, non-state groups have attacked school buildings, and targeted students and teachers in many parts of the country, including in Balochistan, Punjab, FATA and Khyber Pakhtunkhwa. The brutal attack by Taliban gunmen on the Army Public School in Peshawar in 2014, created an atmosphere of insecurity among children, parents and teachers, which still persists. More recently, on 20 June 2016, the Taliban targeted Bacha Khan University in Charsadda (Khyber Pakhtunkhwa province), killing at least 21 people, most of them students.<sup>320</sup>

According to an August 2017 EASO report citing a range of sources:

Recent battles between Pakistan’s military and Islamist insurgents have destroyed many more schools and other buildings. During the year 2016, PIPS reported six attacks on educational institutions in the FATA and Khyber Pakhtunkhwa, causing 66 civilian casualties (26 deaths and 40 injured). Government forces have also used educational institutions, including both schools and college hostels, as military bases or barracks.<sup>321</sup>

The UN Secretary-General’s 2016 Children and Armed Conflict report found that:

A total of 6 attacks were carried out on educational institutions in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa. On 20 February in South Waziristan, armed elements blew up part of a newly constructed government school, while on 25 November, TTP claimed responsibility for a bomb attack on a government primary school in Mohmand Agency, reportedly for promoting “Western values”.<sup>322</sup>

The U.S. Department of State report for 2017 explained that “The terrorist groups TTP, Lashkar-e-Jhangvi, and related factions bombed government buildings and attacked and killed female teachers [...]. The TTP particularly targeted girls’ schools to demonstrate its opposition to girls’ education but also destroyed boys’ schools. Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and the distribution of food and water”.<sup>323</sup>

An Australian Department of Foreign Affairs and Trade (DFAT) country report on Pakistan noted in September 2017 that:

---

<sup>318</sup> Human Rights Watch, [Dreams Turned into Nightmares: Attacks on Students, Teachers, and Schools in Pakistan](#), 27 March 2018

<sup>319</sup> Human Rights Watch, [Dreams Turned into Nightmares: Attacks on Students, Teachers, and Schools in Pakistan](#), 27 March 2018

<sup>320</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p14

<sup>321</sup> EASO, [Pakistan Security Situation](#), August 2017, p43

<sup>322</sup> UN Secretary-General, [Children and armed conflict](#), 24 August 2017, para 220

<sup>323</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1 g, Killings

Security issues can also hamper educational progress, with militant groups sometimes conducting attacks on schools. One faction of the militant group Tehreek-e Taliban Pakistan (TTP) announced in January 2016 that it would target schools, colleges and universities with violent attacks. The message came two days after militants attacked the Bacha Khan University near Peshawar in Khyber Pakhtunkhwa province, killing 21 people. According to the Federally Administered Tribal Areas (FATA) Secretariat, more than 550 schools have been attacked since 2004 in the FATA alone.<sup>324</sup>

The Assessment Capacities Project reported in September 2017 that:

Female students and their teachers and schools have been targeted by armed groups' attacks, blocking girls' access to education. Efforts for securing education institutions have been sporadic and vary across provinces, with little attention to the specific need to protect girls' schools. More than 1,100 girls' schools in FATA have reportedly been damaged or destroyed by the decade -long insurgency, according to Pakistan government estimates.<sup>325</sup>

For an October 2017 EASO COI meeting, Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies (PIPS) gave a presentation on the security situation in which he noted that there had been seven attacks on education institutions between January and September 2017.<sup>326</sup> The report further noted that:

Between January and September 2017, these groups have been the main targets of attacks in Pakistan. Security forces as usual are on top. The number of attacks on educational institutions are decreasing, the reason being that most of the militant groups have already relocated to Afghanistan.<sup>327</sup>

The Movement for Solidarity and Peace in Pakistan reported that on 1 December 2017 that "Nine people were killed and 37 injured as at least three [Tehreek-i-Taliban Pakistan] terrorists dressed in burkas stormed the hostel of Peshawar's Agricultural Training Institute (ATI)".<sup>328</sup>

#### 4.6 Abductions and kidnappings

A November 2016 Jamestown Foundation article recorded that "Islamist militants, whether operating in Karachi or in other parts of the country, treat Karachi as a safe haven and a source of funding, obtained through extortion, kidnapping and robbery".<sup>329</sup>

In June 2017 Radio Free Europe/Radio Liberty reported that "The Pakistani Taliban have released six Pakistani employees of a Polish oil and gas company [...]. The workers from Geofizyka Krakow were kidnapped by the militant group in November 2016 from the city of Dera Ismail Khan in the country's northwestern Khyber Pakhtunkhwa Province".<sup>330</sup>

The U.S. Department of State report for 2017 explained that "There were reports militant groups kidnapped or took civilians hostage in FATA, KP, Punjab, Sindh, and Balochistan. The Islamic State

---

<sup>324</sup> Department of Foreign Affairs and Trade (DFAT) Australia, [DFAT Country Information Report – Pakistan](#), 1 September 2017, *Education: para 2.19*

<sup>325</sup> Assessment Capacities Project, [Protection](#), 6 September 2017, *Gender*

<sup>326</sup> [Muhammad Amir Rana] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 6.2.1 *Target killing p60*

<sup>327</sup> Muhammad Amir Rana] EASO, [EASO COI Meeting Report Pakistan 16-17 October 2017 Rome](#), February 2018, 6.2.1 *Target killing p60*

<sup>328</sup> Movement for Solidarity and Peace in Pakistan, [NINE DEAD AS GUNMEN STORM HOSTEL OF PESHAWAR'S AGRICULTURAL TRAINING INSTITUTE](#), 1 December 2017

<sup>329</sup> Jamestown Foundation, [Karachi's Security Crackdown a Boost for Pakistan's Islamists](#), 11 November 2016

<sup>330</sup> Radio Free Europe/Radio Liberty, [Pakistani Taliban Release Six Workers From Polish Company](#), 5 June 2017

claimed responsibility for the May 24 abduction and killing of two Chinese nationals from Quetta”.<sup>331</sup> The same source further noted “Nonstate militant groups kidnapped boys and girls and used fraudulent promises to coerce parents into giving away children as young as 12 to spy, fight, or die as suicide bombers”.<sup>332</sup> For further information, see section [4.1. Occupying humanitarian space and forced recruitment](#).

According to the September 2017 Australian Department of Foreign Affairs and Trade report, “rural Sindh has a high incidence of crime and kidnapping”.<sup>333</sup>

The Human Rights Commission of Pakistan recorded in Punjab in 2017 “The police reported at least 13,618 abduction cases, with most of the victims women and young girls who were abducted by gunmen, and at least 41 cases of kidnapping for ransom”.<sup>334</sup> In Sindh it documented “135 kidnapping cases, 1,099 abductions”.<sup>335</sup>

The Pakistan Institute for Conflict and Security Studies recorded in its Security Assessment Report for 2017 that “51 people were kidnapped during the year 2017 (this is in addition to those six kidnapped and killed)”.<sup>336</sup> Moreover the source explained that with regards to kidnapping for ransom that:

Kidnapping for ransom is one of the major funding source of militant groups. There was a time when kidnapping for ransom was rampant across the country and militants were raising billions of rupees from this source. However, Operation Zarb-e-Azb dismantled terror sanctuaries from FATA while Intelligence Based Operations (IBOs) wiped out urban networks of terror financing. Last three years have seen dramatic decline in kidnapping for ransom. However, a recent surge have been observed by PICSS as the militants have started to regroup in the country. The business of kidnapping for ransom have put together militants and criminal syndicates. Multiple channels are used to kidnap, keep and dispose the kidnapped person either by releasing after receiving money or killing. Militants were able to kidnap son of Prime Minister Yusuf Raza Gilani and son of late governor Punjab Slaman Taseer who was himself killed by his own guard on the issue of Blasphemy.<sup>337</sup>

The same report noted with regards to kidnappings that:

A slight increase was observed in kidnappings in 2017, which used to be major financial resource of militants in the past. 41 kidnappings by the militants were reported in 2016, while 51 in 2017 with reports from different parts of KPK that militants are now once again able to re- establish their kidnapping networks, which were badly dismantled by security forces in intelligence based operations during and after Zarb-e-Azb. Reportedly, militants use Afghan SIM cards to issue threats to the local traders in Peshawar. Resurgence of militancy in FATA is most likely to see further increase in kidnapping for ransom activities in the country. In a bizarre incident at least 17 people mostly children who went for picnic on a hilly area of Landi Kotal Tehsil of Khyber Agency were kidnapped on gunpoint and taken to Afghanistan in September 2017. Despite Jirga efforts, they could not be released for three months. Four employees of a Chinese company were kidnapped near the boundary between the Frontier

---

<sup>331</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1 g, Killings

<sup>332</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1 g, Child Soldiers

<sup>333</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, Security situation para 2.30

<sup>334</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, Crime, Punjab p.47

<sup>335</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, Crime, Sindh p.51

<sup>336</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, OVERALL SECURITY SITUATION/ NATIONAL SECURITY PROFILE p.11

<sup>337</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, Kidnapping for Ransom p.64

Regions (FRs) of Tank and Lakki Marwat district in August. The emir (head) of the Balochistan wing of the Markazi Jamiat Ahle e Hadees (A Salafi religious and political party), Maulana Ali Muhammad Abu Turab, was kidnapped along with his son, secretary and guard from Quetta in May. Two Chinese including a woman were kidnapped from Quetta in May and later killed by the kidnappers. Balochistan Secretary for Higher Education Abdullah Jan was kidnapped by three armed men on Brewery Road in March, he was released later. Nawab Ali Leghari a former advisor of Sindh government was kidnapped in April but released after few weeks. The deputy governor of Afghanistan's Kunar province, Qazi Mohammad Nabi Ahmadi, was kidnapped from Peshawar's Dabgari area in October and after few days his brother and nephew gone missing. A group of unknown armed men tried to kidnap journalist Azaz Syed near Shahzad Town of Islamabad in June. Seven police personnel were kidnapped from Awaran district of Balochistan. Another Chinese national was kidnapped from Kahuta area near Federal capital Islamabad. As kidnapping attempts have been on the rise, travelling of foreigners without proper security arrangements is not advised. Geographical depiction of target killings and their impact is given in Table-6.<sup>338</sup>

In its August 2017 report on the security situation, EASO cited the Pakistan Institute for Conflict and Security Studies as reporting with regards to kidnappings that:

'[a] significant decline has been observed in kidnapping during 2016. The number of kidnapping incidents dropped by 47 percent. Overall, 17 such incidents were recorded during last year while in 2015 the number was 32. Kidnapping was one of the major source of income for militants. However, Operation Zarb-e-Azb and intelligence based operations in urban areas dismantled kidnapping for ransom networks largely. 34 people were kidnapped in 2016 by militants'.<sup>339</sup>

For an October 2017 EASO COI meeting, Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies (PIPS) noted that "Jamaat-ul-Ahrar, [...] threaten local businessmen and they are involved in abductions of local tribal elders and the traders in their area. [...] AQIS, Al Qaida in the Indian Subcontinent, [...] was not involved in large scale terrorist attacks but in abductions, issuing threats to traders, academics and intellectuals in Karachi and in Peshawar. The AQIS was also involved in the abduction of businessmen in Peshawar Valley area and in Karachi".<sup>340</sup>

He also gave a presentation in which he summarised the findings of a 'small research study' in five districts of Pakistan on the issue of the behaviour of the majority ethnic and religious groups towards minority groups.<sup>341</sup> With regards to abduction he stated that "many militant organizations depend on criminal activities for their financial resources. There were many cases being reported about Hindu traders being abducted from this region".<sup>342</sup>

## 4.7 Politically motivated attacks on individuals

### 4.7.1 Government officials

For information on the state treatment of this profile, see section [12 Treatment of \(actual and perceived\) political opponents](#).

<sup>338</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Kidnapping* p.21

<sup>339</sup> European Asylum Support Office (EASO), [Country of Origin Information \(COI\) Report 'Pakistan security situation'](#), 4 August 2017, *Kidnappings* p.35

<sup>340</sup> [Muhammad Amir Rana] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, 6.3 *Major actors of instability in 2017* p.63

<sup>341</sup> [Muhammad Amir Rana] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, 5.1 *Religious extremism* p.59

<sup>342</sup> [Muhammad Amir Rana] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, 5.6 *District-specific issues of religious minorities* p.52

In its annual report on Pakistan covering 2016 the US Department of State reported that “There were reports of politically motivated killings by political factions or unknown assailants in Sindh. [...] District-level and provincial politicians from Awami National Party, Pakistan People’s Party, Pakistan Tehreek-e-Insaaf (PTI), and JUI-F were shot and killed in targeted attacks throughout KP and FATA”.<sup>343</sup>

In the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies recorded that “Sixteen attacks targeted government officials, departments and offices etc., and another 13 attacks hit political leaders/workers and offices of political parties”.<sup>344</sup> The same source further detailed that these 16 attacks killed 29 people and injured a further 68, whilst in the 13 attacks, 38 people were killed and another 50 were injured.<sup>345</sup> The full report is available for a fee [here](#).

According to the Center for Research and Security Studies (CRSS), government and security officials made up 15.16% of the victims of violence in Pakistan in 2017.<sup>346</sup>

The CRSS further documented fatalities of political and religious party activists, noting “Sindh observed the largest number of fatalities of politicians, while Punjab was the least affected. [...] A significant drop in the fatalities of political activists was recorded during this year, 28 against 52 last year [...]. Nearly 80% of the political activists were the victims of target killings. Nineteen were gunned down and six dead bodies were found from various locations in the country”.<sup>347</sup> It also provided the breakdown of casualties of this profile by province and affiliation<sup>348</sup>:

<b>Table 12: Casualties of politicians in Pakistan - 2017</b>		
<b>Province</b>	<b>Fatality</b>	<b>Injury</b>
Sindh	12	3
KP	8	7
Balochistan	6	4
Punjab	4	1
<b>Total</b>	<b>30</b>	<b>15</b>

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to targeted killings that:

Afghan Taliban commanders, father in law of Afghan leader Hikmatyar, ISI officials, and officials from Counter Terrorism Department, police personnel, leaders and activists of political and religious parties were also among the targets of such attacks. Deputy Chairman Senate who is also central leader of Jamaat Ulama-e-Islam Fazal ur Rehman (JUI-F) group also survived an attempt on his life. Leaders of Pak Sarzameen Party, Jamat-e-Islami, MQM-Pak, and Balochistan National Party (Mengal group) were also targeted.<sup>349</sup>

<sup>343</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. A.

<sup>344</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>345</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>346</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Civilians* p. 12

<sup>347</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Civilians* p. 20

<sup>348</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Civilians* p. 20

<sup>349</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Targeted Killings* p.20



To illustrate, in September 2016 the Movement for Solidarity and Peace in Pakistan reported that “The Pakistani Taliban faction Jamaat-ur-Ahrar [...] claimed responsibility for a suicide attack at Mardan’s district courts [Peshawar, KP] in which at least 14 people were killed and 52 others injured”.<sup>350</sup> The same source recorded that on 13 February 2017, “At least 13 people, including senior police officers, were martyred [...] when a suicide bomber hit close to the Punjab Assembly in Lahore when hundreds of demonstrators had gathered for a protest, officials said. [...] According to initial reports from law enforcers, the terrorists had planned to attack the Governor House in Lahore”.<sup>351</sup>

AP News reported on 12 May 2017 that “The Islamic State group said it carried out a brazen suicide attack on a Pakistani lawmaker in southwest Baluchistan province on Friday that killed 25 people despite a protracted crackdown on the assortment of militant groups operating in Pakistan. Abdul Ghafoor Haideri, deputy leader of Pakistan’s Senate or Upper House of Parliament, was only slightly wounded in the attack that occurred as his convoy left a girls-only Islamic seminary, where he had attended a graduation ceremony. The attack by IS may have been a warning to Haideri’s hardline Jamiat-e-Ulema Islam (JUI) against participating in the country’s democratically elected government, said Zahid Hussain, an expert on militancy in Pakistan. JUI is a partner in Prime Minister Nawaz Sharif’s government. ‘It is a message to them that anyone who goes with the government will be targeted,’ he said, adding that it could also be that the IS targeted Haideri because of his party’s close alliance with Afghanistan’s Taliban”.<sup>352</sup>

The U.S. Department of State report for 2017 documented that “There were continued allegations of politically motivated killings in Balochistan and Sindh. On July 6 [2017], unidentified gunmen killed Balochistan National Party leader Malik Naveed Dehwar and his guard, Mohammad Zareef. On April 27 [2017], local authorities recovered the mutilated bodies of five abducted Baloch activists, including Baitullah Mehmood Baloch, a leader of the Baloch National Movement. The perpetrators were unknown. [...] There were reports of politically motivated killings by political factions or unknown assailants in Sindh. In July unidentified gunmen killed two Pak Sarzameen Party (PSP) activists--Abdul Hameed (alias Mulla) and Rashid Khan--in Karachi. PSP’s chairman blamed the London faction of the Muttahida Qaumi Movement political party for their deaths. The provincial governments and political parties in Sindh, Balochistan, KP, and Punjab remained targets of attack by militant and other nonstate actors”.<sup>353</sup>

Radio Free Europe/Radio Liberty reported in September 2017 on an armed attack against an opposition party lawmaker stating that “Pakistani officials say two unknown assailants targeting an opposition party lawmaker after Eid prayers instead gunned down two others in the southern port city of Karachi. Khawaja Izharul Hasan from the Muttahida Qaumi Movement (MQM) escaped unharmed in the September 2 attack, but a police officer and teenage bystander were killed, local police and MQM officials said. At least four others were wounded. [...] There was no immediate claim of responsibility for the attack. MQM leader Faisal Sabzwari tweeted that the attackers were in police uniforms”.<sup>354</sup>

---

<sup>350</sup> Movement for Solidarity and Peace in Pakistan, [AT LEAST 14 KILLED, 52 WOUNDED IN SUICIDE BLAST AT MARDAN DISTRICT COURTS](#), 2 September 2016

<sup>351</sup> Movement for Solidarity and Peace in Pakistan, [POLICE OFFICIALS AMONG 13 MARTYRED IN LAHORE SUICIDE BOMBING](#), 13 February 2017

<sup>352</sup> AP News, [Islamic State group claims attack on Pakistan lawmaker](#), 12 May 2017

<sup>353</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1a

<sup>354</sup> Radio Free Europe/Radio Liberty, [Two People Killed In Attack On Opposition Lawmaker In Pakistan](#), 02 September 2017

Radio Free Europe/Radio Liberty reported in October 2017 on the death of a local politician in a car explosion:

A local leader of the secular Awami National Party and his brother have been killed in a car explosion in southwestern Pakistan, the party and government officials say. The attack took place on October 27 in the town of Harnai, about 200 kilometers north of Quetta, the capital of Balochistan Province, said Abdul Salam Achakzai, a deputy commissioner for Harnai. The slain politician was identified as Abdul Razzak. Achakzai was quoted by Pakistani media as saying that five to six kilograms of explosives were planted in Razzak's car. He said the blast took place when the two men were on their way to a party rally in Quetta. There was no immediate claim of responsibility for the attack.

The Awami National Party is known for opposing Islamic militants who want to overthrow the Pakistani government and enforce their version of Islamic law. Pakistani authorities have been battling militants across the country as violence continues.<sup>355</sup>

#### 4.7.2 Police and security forces

The U.S. Department of State 'Country Report on Terrorism' covering events in 2016 stated that "Violent extremist groups targeted civilians, officials, and religious minorities. [...] Terrorists used a range of tactics – stationary and vehicle-borne improvised explosive devices (IEDs), suicide bombings, targeted assassinations, and rocket-propelled grenades – to attack individuals, schools, markets, government institutions, and places of worship".<sup>356</sup>

In its annual report on Pakistan covering 2016 the US Department of State reported that "Militants continued to target government security personnel for attack. According to the SATP, as of November 20 [2016], militants had killed 6,651 security force personnel since 2003. Military officials often quoted a much higher number, with casualties from militant attacks in the tens of thousands over the past decade. [...] In October [2016] hundreds of sleeping police recruits were attacked at a police academy in Quetta, Balochistan. Suicide bombers killed 61 cadets and injured 117. Da'esh claimed responsibility, but security officials told media that Lashkar-e-Jhangvi was behind the attack".<sup>357</sup>

In September 2017 the Assessment Capabilities Project described with regards to FATA and KP that "Policemen, security forces and civilians are attacked on a regular basis, including with IEDs".<sup>358</sup>

Heidelberg Institute for International Conflict Research noted with regards to the Pakistani conflicts with Islamist militant groups in 2017 that "Attacks on security forces and civilians continued throughout the year in all named provinces".<sup>359</sup>

The U.S. Department of State report for 2017 documented that "There were numerous reports of attacks against police. On June 23 [2017], a blast near the inspector general of police's office in Quetta killed at least 11 individuals, including seven police officers. According to Punjab provincial officials,

---

<sup>355</sup> Radio Free Europe/Radio Liberty, [Blast Kills Secular Politician, His Brother in Pakistan's Southwest](#), 27 October 2017

<sup>356</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>357</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1.g and 1.a

<sup>358</sup> Assessment Capabilities Project, *Pakistan, Politics and Security*, 21 September 2017, *FEDERALLY ADMINISTERED TRIBAL AREAS (FATA) & KHYBER PAKHTUNKHWA*

<sup>359</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Islamist militant groups)* p.159

police were the main targets of a July 24 [2017] suicide attack in Lahore that killed 26, including nine police officers".<sup>360</sup> The same source further noted that:

Following its announced formation in February, the Ansar ul-Sharia Pakistan (ASP, also known as Jamaat-ul-Ansar al-Sharia Pakistan) was allegedly involved in at least seven attacks that killed a retired colonel, six police officers, and a private security guard in Sindh and a bombing that targeted security forces in Balochistan. On August 12 [2017], ASP killed Deputy Superintendent of Police (Traffic) Hanif Khan, 56, and his driver, Constable Sultan Ishtiaq, in Karachi. ASP spokesperson Abdullah Hashmi stated the attack was "revenge" for alleged torture of militants in jail. The Sindh police Counter Terrorism Department (CTD) continued to investigate the case, although no arrests had been made. Authorities claimed ASP was responsible for the attempted assassination of Sindh Assembly opposition leader Khwaja Izharul Hassan.<sup>361</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan noted that "Although there was a drop in the number of terrorism attacks in 2017, violence against 'soft targets' such as religious minorities and law enforcement agencies was on the increase".<sup>362</sup> The same source recorded the following targeted attacks against law enforcement personnel in 2017:

**13 February:** A suicide attack targeted police officials on Lahore's Mall Road - the first of three major terror attacks to hit the provincial capital this year, all of them targeting law enforcers, army and security personnel. At least 13 people, including six police officers, were killed and 85 others injured when the suicide bomber struck a protest of around 400 chemists and pharmaceutical manufacturers in front of the Punjab Assembly.

**5 April:** A suicide bomber targeted a census team in Lahore's Bedian Road area, killing four army men, an off-duty Pakistan Air Force airman and a civilian. At least 19 others were injured in the attack.

**23 June:** Seven police were among 14 people killed in a suicide blast near the Balochistan police chief's office on Quetta's Gulistan Road. At least 20 other people were injured in the attack.

**23 June:** Four policemen were gunned down in Karachi's SITE area when they were having iftar at a roadside hotel, and the same murder weapon was used to gun down a DSP Traffic and a constable in Azizabad on 11 August.

**10 July:** A District Police Officer (DPO) and his guard lost their lives in a blast near Boghra Road in Balochistan's Chaman area.

**13 July:** A police superintendent and three other policemen were gunned down in Quetta's Killi Deba area.

**17 July:** At least one Frontier Corps man was killed in a suicide blast in Balochistan's Chaman area near the Pak-Afghan. The same day, two FC personnel were killed in Peshawar's Hayatabad area when a suicide bomber rammed his motorcycle into an FC vehicle on patrol. Nine people, including two security personnel, were injured in the explosion.

**24 July:** At least 26 people were killed and 58 others were injured in a suicide explosion that targeted the police providing security to Lahore Development Authority. Officials said the suicide bomber targeted police officers during a campaign by city government officials against illegal construction and encroachment by vendors and vegetable sellers on Ferozepur Road, in a busy neighbourhood of Lahore.

**12 August:** At least eight security officials were among 15 killed in a suicide blast targeting a military truck near Quetta's Pishin bus stop. At least 32 others were wounded in the attack.

**18 October:** At least eight people, including seven policemen, were killed and 24 others injured in an explosion targeting a truck carrying police officials in the Sariab Mill area of Quetta.

**10 November:** The DIG Police Telecommunication and two other police officials were killed in a suicide bombing in Quetta's Chaman Housing Society.

**15 November:** A Police Superintendent and three members of his family were gunned down in Quetta's Nawan Killi area.

---

<sup>360</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1a

<sup>361</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1a

<sup>362</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, Law and Order p.41

**25 November:** An Additional Inspector was killed when a suicide bomber rammed a explosives-laden motorcycle into his vehicle near Zarghoni Masjid in Peshawar's Hayatabad area. The Lashkar-i-Islam claimed the attack.

**25 November:** A Frontier Corps convoy was targeted by a suicide blast on Quetta's Sariab Road area. Five people were killed and 27 others, including two FC men, were injured in the attack.

**29 November:** A landmine blast in Balochistan's Sibbi district killed two Frontier Corps (FC) men and injured three others on a routine sweep of the area.<sup>363</sup>

In the abridged version of 'Pakistan Security Report 2017', the Pak Institute for Peace Studies recorded that "As in past several years, security and law enforcement agencies were the foremost target of the terrorists in 2017. Over 43 percent (or 160) of the total terrorist attacks reported in 2017 hit personnel, convoys and check-posts of the security forces and law-enforcement agencies across Pakistan".<sup>364</sup> The same source detailed that these 160 attacks killed 283 members of the security forces and injured a further 516.<sup>365</sup> The full report is available for a fee [here](#).

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 that "249 security personnel lost their lives while 331 others injured. Thus those among killed, 42 percent were civilians, 40 percent militants and 18 percent security forces personnel while among those injured almost 80 percent were civilians, 17 percent security forces personnel and only three percent militants".<sup>366</sup> The same source further noted that:

Among the deaths resultant from militant attacks, 64 percent were civilians while 25 percent were security forces personnel and 11 percent militants. While among the injured, 84 percent were civilians, 14 percent security forces personnel and two percent militants. This suggested that while civilians remained the worst sufferers, security forces were also specifically targeted. Among the security forces police and paramilitary forces were specifically targeted in Balochistan, KPK and FATA. Among those killed in such attacks were senior police officers including AIG, DIG and SP rank officers.<sup>367</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) reported that "There were 593 casualties of security personnel in 2017 (303 fatalities and 290 injuries). Balochistan had the highest casualties, followed by FATA, KP, Punjab, and Islamabad. [...] A 15% drop was recorded in the fatalities of security officials [...]. Owing to a shift in the militant strategy this year, the fatalities of Pakistan Army and Frontier Corps (FC) personnel went up by nearly 100%. Five officer grade personnel of the armed forces embraced martyrdom during this year that included a Lieutenant Colonel, a Major, a Captain, a Jr. Commanding Officer, and a Lieutenant. A former Lieutenant Colonel also became a victim of target killing in Karachi. [...] The fatalities of the police forces recorded a significant drop. Even so, a considerable number of high level police officials were targeted by the militants. In 2017, four Station House Officers, two Deputy Inspector Generals, two Superintendents, two Deputy Superintendents, an Additional Inspector General and a District Police officer were killed".<sup>368</sup> The CRSS provided the following table of casualties of this profile by province<sup>369</sup>:

---

<sup>363</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Law and Order* p.47

<sup>364</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>365</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>366</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *OVERALL SECURITY SITUATION/ NATIONAL SECURITY PROFILE* p.11

<sup>367</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *COUNTRYWIDE MILITANT ATTACKS* p.13

<sup>368</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Security Officials* p. 24

<sup>369</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Security Officials* p. 24

<b>Table 15: Fatalities of security officials - 2017</b>			
<b>Affiliation</b>	<b>Fatalities</b>	<b>Injuries</b>	<b>Total Casualties</b>
Balochistan	98	112	210
FATA	79	66	145
KP	48	40	88
Punjab	45	25	70
Sindh	31	29	60
Islamabad	2	18	20
<b>Total</b>	<b>303</b>	<b>290</b>	<b>593</b>

With regards to Quetta in Balochistan, the Movement for Solidarity and Peace in Pakistan reported that “Quetta, the provincial capital of Balochistan province, has seen frequent attacks targeting government buildings and security forces, as well as civilians. In June [2017] at least 12 people were killed and 14 others wounded in a suicide car attack near the provincial police headquarters. In February [2017], two bomb disposal squad members were killed and 11 others wounded in an explosion under Quetta's Saryab bridge, local media reported. In August last year [2016], at least 74 people were killed in a suicide attack on the city's Civil Hospital, while another 60 were killed in an attack on a police academy two months later. Past attacks in the province have been claimed by the Pakistani Taliban, ISIL, as well as by Baloch separatist fighters who are fighting for independence from Pakistan”.<sup>370</sup>

An August 2017 report from the same source documented that “Two private security guards deployed outside a Federal Board of Revenue (FBR) office in Karachi were shot dead by unidentified assailants [...] in a suspected attack of targeted killing, police said. [...] The police have been a target of similar attacks in recent months, with a new group that calls itself Ansar-ul-Sharia Pakistan claiming responsibility for multiple shoot-and-run incidents in the city”.<sup>371</sup>

The same source noted that on 25 November 2017, “At least four people, including a child, have been killed and 19 others injured in a bomb attack on a vehicle of the Frontier Corps on Sariab Road. [...] ‘It was a suicide attack and the target was the vehicle of the FC commandant. Luckily, he was not travelling in the vehicle when the attack occurred,’ a rescue official told The Express Tribune. [...] The bomb attack came a day after a senior police official of Khyber-Pakhtunkhwa, AIG Ashraf Noor, was martyred in a suicide attack on his vehicle in the upscale Hayatabad neighbourhood of Peshawar. Earlier this month, a senior police official and two of his colleagues were martyred when a suicide bomber struck his convoy in Quetta. [...] The outlawed Tehreek-e-Taliban Pakistan claimed responsibility for the attack in a statement released to the media”.<sup>372</sup>

In its monthly security report for January 2018 the Pak Institute for Peace Studies recorded that “About 63 percent of the total 27 terrorist attacks reported from across Pakistan in January 2018 targeted personnel of security and law enforcement agencies. In all, the reported 27 attacks in the month claimed 40 lives – compared to 36 in the month before – and inflicted injuries on 70 others. Among those 40 killed in these attacks were 13 civilians, 7 FC troops, 11 policemen, one army soldier,

<sup>370</sup> Movement for Solidarity and Peace in Pakistan, [DEADLY BLAST STRIKES PAKISTAN'S QUETTA](#), 12 August 2017

<sup>371</sup> Movement for Solidarity and Peace in Pakistan, [TWO POLICEMEN GUNNED DOWN IN KARACHI FIRING](#), 28 August 2017

<sup>372</sup> Movement for Solidarity and Peace in Pakistan, [FOUR DEAD IN SUICIDE ATTACK ON FC VEHICLE IN QUETTA](#), 25 November 2017



2 Levies, as well as 6 militants; those injured included 30 civilians, 21 FC men, 14 policemen, 3 army officials and 2 Levies”.<sup>373</sup>

The same source documented in its February 2018 monthly report that “Down over 11 percent from the month before, 24 terrorist attacks took place in Pakistan during February 2018. These attacks claimed 38 lives – compared to 49 in previous month – and inflicted injuries on 46 others. As many as 10 attacks, or 42 percent of the total attacks reported from across Pakistan, targeted personnel of security and law enforcement agencies. Among those 38 killed in terrorist attacks were 13 army officials, 12 civilians, 8 FC troops, and 3 policemen, besides two militants”.<sup>374</sup>

#### 4.7.3 Polio vaccination workers and their police escorts

According to a December 2016 IPI Global Observatory article, “In June 2012, the group [the Taliban] established certain no-go areas and banned the vaccination drive in North Waziristan Agency in the Federally Administered Tribal Areas, a semi-autonomous region bordering Afghanistan. The Taliban reasoned that these campaigns were a Western conspiracy designed to render Pakistani children infertile. It did not help matters that Dr. Shakeel Afridi, who was the chief asset for the Central Intelligence Agency in locating Osama bin Laden for the United States, had done so by embedding himself in a vaccination team that visited bin Laden’s house. The Taliban’s direct targeting and murder of dozens of polio team staff members, including female health workers and police constables across Pakistan, has also contributed to the challenges. Nearly 80 polio workers have lost their lives in such incidents since December 2012, which inevitably creates operational and logistical problems”.<sup>375</sup>

The Safeguarding Health in Conflict Coalition documented the following 2016 incidents affecting polio vaccinations workers and their police escorts after 1 September 2016 [the reporting period of this report]:

[f]our motorcyclist gunmen injured another female polio worker in September 2016, in the city of Larkana in North Sindh.<sup>308</sup> Also in September, Dr. Zakaullah Kahn, a physician instrumental to an anti-polio vaccination drive in Peshawar, Khyber Pakhtunkhwa province, was gunned down on his way home from evening prayers.<sup>309</sup> As of the time of reporting, it remains unclear whether the attack was motivated due to his association with the vaccination campaign.

On October 26, a polio worker in Khyber Agency was killed when the TTP attacked a community vaccination campaign. The coordinator of this attack, Noor Muhammad of the Ababil group (a Khyber Agency-based TTP faction) was later killed in an intelligence-based operation in early November 2016.<sup>310</sup> Also in November 2016, in Bannu district, Khyber Pakhtunkhwa province, a community resident who refused to accept polio vaccination for his children attacked a polio worker. The worker escaped the attack, and the resident was arrested and charged with murder, terrorism, and hindrance of government work.<sup>376</sup>

According to the Human Rights Commission of Pakistan, “In 2016, 19 policemen guarding the vaccination staff were gunned down in two attacks”.<sup>377</sup>

---

<sup>373</sup> Pak Institute for Peace Studies (PIPS), [Terrorists step up attacks on security and law enforcement personnel: notes PIPS monthly security report for January 2018](#), 20 February 2018

<sup>374</sup> Pak Institute for Peace Studies (PIPS), [42% of total terrorist attacks in Pakistan in February 2018 targeted security and law enforcement personnel](#), 6 March 2018

<sup>375</sup> IPI Global Observatory, [How Pakistan Could Eliminate Polio in 2017](#), 8 December 2016

<sup>376</sup> Safeguarding Health in Conflict Coalition (Author), published by BAAG – British & Irish Agencies Afghanistan Group, [Impunity must end: Attacks on Health in 23 Countries in Conflict in 2016](#), May 2017, *Safety of polio workers*, p.227

<sup>377</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017



In the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies recorded that there were 3 terrorist attacks on health/polio workers in 2017 which resulted in 2 fatalities.<sup>378</sup> The full report is available for a fee [here](#).

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) summarised the security situation for polio workers thus:

The violence against polio workers dropped significantly. However, this could be because the anti-polio drive has also slowed down considerably. One person lost his life and six others were wounded. Balochistan was the only province in the country where no violence was carried out against polio workers [...]. Last year, militant outfits like Jundullah, TTP and TTP-JA, launched attacks on the polio team and their security guards. This year, common people were responsible.<sup>379</sup>

The same source provided the following table documenting polio team fatalities by province<sup>380</sup>:

<b>Table 07: Polio team fatalities - 2016 vs. 2017</b>				
<b>Province/Region</b>	<b>2016</b>		<b>2017</b>	
	<b>Fatality</b>	<b>Injury</b>	<b>Fatality</b>	<b>Injury</b>
Balochistan	15	0	0	0
Sindh	8	4	0	1
KP	4	0	1	0
FATA	2	0	0	3
Punjab	0	4	0	2
<b>Total</b>	<b>29</b>	<b>8</b>	<b>1</b>	<b>6</b>

In January 2018 Radio Free Europe/Radio Liberty reported that “Pakistani authorities say gunmen shot and killed a mother and her daughter who were taking part in an antipolio campaign in the southwestern city of Quetta. Police official Naseebullah Khan said that Sakina Bibi, 50, and her 20-year-old daughter, Alizah, were giving immunization drops to children on January 18 when two gunmen riding on a motorcycle shot them. No one has so far claimed responsibility for the attack, but militants in Pakistan have regularly targeted polio workers and their guards”.<sup>381</sup>

Dawn reported on in March 2018 that in FATA, “Two polio workers were shot dead and three others were abducted by unidentified assailants in Safi tehsil of Mohmand Agency”.<sup>382</sup>

#### 4.7.4 Journalists

For state treatment of journalists, see [13 Treatment of journalists, other media professionals and media organisations](#)

<sup>378</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>379</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Civilians* p. 16

<sup>380</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Civilians* p. 16

<sup>381</sup> Radio Free Europe/Radio Liberty, [Two Polio Workers, Mother and Daughter, Killed In Pakistan](#), 18 January 2018

<sup>382</sup> Dawn, [2 polio workers killed in Mohmand Agency, 3 abducted](#), 17 March 2018

In an October 2017 article the International Federation of Journalists provided an overview of attacks on journalists in Pakistan stating that “Pakistan has long been among the most dangerous countries in the world for journalists, with 106 journalists and media workers having lost their lives since 2005. Since 2010, 77 journalists and media workers have been killed in the line of duty: almost one journalist killed every two months. Armed insurgencies and sectarian violence account for a number of these killings but many of them raise suspicions of the involvement of the state’s institutions”.<sup>383</sup>

The same source noted that “Khyber Pakhtunkhwa and FATA [Federally Administered Tribal Areas] are dangerous zones for journalists, with 31 losing their lives since 2005 – three of them in 2017 alone. However, Balochistan – termed ‘Cemetery for Journalists’ in the IFJ South Asia Press Freedom Report 2014 – remains the most dangerous province for journalists with 31 killings since 2007”.<sup>384</sup>

In its annual report for 2016 Amnesty International reported that “Media workers continued to be harassed, abducted and sometimes murdered. Those in FATA [Federally Administered Tribal Areas] and Balochistan and those working on national security issues were particularly at risk. According to the Pakistani Press Foundation, as of October, at least two media workers were killed, 16 were injured and one was abducted in connection with their work. The authorities generally failed to provide adequate protection to media workers from attacks by non-state armed groups, security forces, political activists and religious groups”.<sup>385</sup>

Freedom House detailed the situation of journalists covering the civil and military conflicts in Pakistan in 2016 as thus:

Conditions for reporters covering the ongoing civil conflict and military offensive in the Federally Administered Tribal Areas (FATA) and some districts of Khyber Pakhtunkhwa Province remain difficult, with journalists at risk of detention, threats, expulsion, abduction, attacks, and other interference by actors including Taliban militants and local tribal groups, criminal organizations, and the army and intelligence services. Journalists’ ability to cover military operations in the FATA is limited, as they can gain official access only if they agree to become embedded with military units, which means that any reporting is subject to potential censorship. Media in general remain much more tightly restricted in the FATA and Balochistan than elsewhere in Pakistan.

[...] Fear of reprisals has caused some journalists to self-censor, particularly on military or intelligence operations, sensitive social or religious issues, and certain militant groups and political parties.

While Pakistan remains among the most dangerous places in the world for journalists to operate, the number of killings has declined somewhat over the last five years, according to the Committee to Protect Journalists (CPJ). According to CPJ, three journalists were killed in Pakistan in 2016.<sup>386</sup>

A 2016 report by the Pakistan Press Foundation described non-state perpetrated attacks on journalists in Pakistan during September and October 2016:

On 29th September, 2016 Abid Abdullah, Director Coordination of Jang group, Pakistan’s largest media group, was abducted by unknown men from the posh area of Hayatabad in Peshawar, the capital city of Khyber Pakhtunkhwa province. His captors kept him for hours before releasing him. They also threatened to kidnap three other prominent journalists namely Shahzaib Khanzada, Hamid Mir and Najam Sethi of the same media group. Police registered criminal complaints against unknown men but no arrests have been made. In an apparent exercise in self-censorship, Abdullah’s own media group did not report the identity of captors or the motive behind abduction even after his release.

---

<sup>383</sup> International Federation of Journalists, [Pakistan: State of play on impunity](#), 30 October 2017

<sup>384</sup> International Federation of Journalists, [Pakistan: State of play on impunity](#), 30 October 2017

<sup>385</sup> Amnesty International, [Amnesty International Report 2016/17 - The State of the World's Human Rights - Pakistan](#), 22 February 2017, *Freedom of expression – journalists*, p. 286

<sup>386</sup> Freedom House, [Freedom of the Press 2017 - Pakistan](#), 28 April 2017, *Political Environment*

In another case, Mujeeb Tareen reporter of Aaj News television channel was attacked with knives and metal clip by three armed men on October 6 for a news story about police raid on a cars showroom that had allegedly been selling smuggled vehicles in the town of Pishin in Balochistan. One attacker Abdullah was caught by Tareen and neighbors and handed him over to the police. The two other attackers remain at large and police have not been able to apprehend them.<sup>387</sup>

The US Department of State noted in its annual report on Pakistan covering 2017 that “Security forces, political parties, militants, and other groups subjected media outlets, journalists, and their families to violence and harassment”.<sup>388</sup>

In the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies recorded that there were 9 terrorist attacks against the media/journalists which resulted in 4 killed and a further 10 injured.<sup>389</sup> The full report is available for a fee [here](#).<sup>390</sup>

According to Human Rights Watch annual report on Pakistan for 2017 “Journalists increasingly practiced self-censorship after numerous attacks by security forces and militant groups in retaliation for critical articles. Media outlets remained under pressure to avoid reporting on or criticizing human rights violations during counterterrorism operations. The Taliban and other armed groups threatened media outlets and attacked journalists and activists because of their work”.<sup>390</sup>

Radio Free Europe/Radio Liberty reported in a February 2017 article that “Pakistani police say gunmen shot dead a member of a TV news crew in Karachi after launching a hand-grenade attack on a police vehicle. Police officer Bashir Barohi said the SAMAA TV crew members were on their way to cover the grenade attack on February 12 when the gunmen attacked their vehicle. Privately run SAMAA TV reported that Tamour Khan, 22, a satellite technician, died after being taken to a hospital with bullet wounds. Police said no one was wounded in the attack on the police patrol. No one has claimed either attack”.<sup>391</sup>

Radio Free Europe/Radio Liberty reported in a February 2017 article on the journalists’ response to attacks and intimidation:

In Pakistan, a country where journalists are often the targets of threats and deadly attacks and have little protection from authorities, many reporters are left to fend for themselves. Now, Pakistani journalists are banding together and establishing so-called "safety hubs" where reporters can formally document cases of intimidation and physical abuse. The hubs, located in press clubs in all four provincial capitals, will then take up the cases with authorities. The initiative is part of an effort to highlight attacks on the media in a bid to spur authorities to protect Pakistan's estimated 18,000 journalists, many of whom face threats and violence from militant groups, criminal gangs, and even the country's own military and intelligence agencies. Gohar Ali, the head of the safety hub project in the volatile northwestern province of Khyber Pakhtunkhwa and adjoining lawless tribal areas on the border with Afghanistan, says they have reported more than a dozen cases of threats since the project was rolled out in January.<sup>392</sup>

---

<sup>387</sup> Pakistan Press Foundation, [2016 Report on Impunity for Crimes Against Journalists in Pakistan](#), 2016, p. 9

<sup>388</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1a Section 2, a. Freedom of Speech and Press

<sup>389</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

<sup>390</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Freedom of Expression and Attacks on Civil Society*

<sup>391</sup> Radio Free Europe/Radio Liberty, [Gunmen Shoot Dead Member Of Pakistani TV Crew In Karachi](#), 13 February 2017

<sup>392</sup> Radio Free Europe/Radio Liberty, [In Face Of Threats And Attacks, Pakistani Media Establish 'Safety Hubs'](#), 23 February 2017

Amnesty International reported in June 2017 on the assassination attempt of a minority rights journalist in Pakistan:

Pakistani minority rights journalist Rana Tanweer faced an assassination attempt on 9 June. He was attacked in a hit and run accident and fractured his leg. Days before, his home was vandalised and he was threatened for his writing. The authorities have not provided him and his family with adequate protection nor held the perpetrators to account.

Rana Tanweer, a reporter for Pakistan's Express Tribune who reports mainly on minority rights issues, including discrimination against the Ahmaddiya community and blasphemy laws, is at risk. On the afternoon of 9 June, he faced a failed assassination attempt when a car tried to run him over in Lahore, the capital of Punjab, Pakistan's largest province. He was thrown off his motorbike as the car rammed into him from behind. His leg was fractured in the accident. At the end of May, Rana Tanweer's landlord received a phone call pressurising him to evict his tenant due to his alleged 'anti-Islam' stance. This was followed a few days later by a spray-painted message on the front door of his home reading "Qadiani supporter Rana Tanweer is an unbeliever who deserved to be killed". 'Qadiani' is a derogatory term used for Ahmadis, a minority Muslim community facing entrenched discrimination in Pakistan, both in law and in practice.<sup>393</sup>

The Human Rights Commission of Pakistan reported in a June 2017 article on the killing of a journalist in Haripur and death threats and an apparent attack against another in Lahore stating that:

"We have received with great concern reports of targeted killing of Bakhshish Elahi, bureau chief of an Urdu newspaper, and a rashly driven car apparently trying to run over Rana Tanveer, chief reporter of an English newspaper in Lahore, when he was returning from a meeting of Punjab Union of Journalists in Lahore on Friday afternoon. Mr Tanveer is hospitalized with his leg fractured in two places. The circumstances suggest that this was not a random incident of rash driving.

"While the authorities in Haripur have failed to protect Bakhshish Elahi's from the murderous attack, the plight of Mr Tanveer is equally disturbing. "Tanveer is of course well known in media and civil society circles for his objective reporting, including on faith-related issues. On May 30, death threats were scrawled on the door of his home in Lahore, apparently for writing about violence against religious minorities".<sup>394</sup>

In its Submission for the UN Universal Periodic Review dated July 2017 Amnesty International described non-state perpetrated attacks on journalists: "Journalists and media workers have been targeted and killed by non-state actors. Families of journalists have recently been targeted in Balochistan. The government has not followed through on the Prime Minister's pledge to 'establish an office of public prosecutor at the federal and provincial levels tasked with investigating attacks against journalists'".<sup>395</sup>

The International Federation of Journalists reported in October 2017 on the abduction of three journalists in FATA and Khyber Pakhtunkhwa province:

In two separate incidents on October 15, two journalists were abducted by unknown people and freed the following day. Shahnawaz Khan Tarkzai, from Mashal Radio, was taken by armed men from the Shabqadar Press Club, claiming that they were taking him to the local police station.

Islam Gul Afridi from Akhbar-i-Khyber magazine was intercepted by armed men as he was travelling from Peshawar to Islamabad. The exact details of his abduction remain unclear. Prior to his abduction,

---

<sup>393</sup> Amnesty International, [Urgent Action: 147/17 \[ASA 33/6531/2017\]](#), 19 June 2017

<sup>394</sup> Human Rights Commission of Pakistan, [HRCP concern over journalist's killing, serious threats to another](#), 13 June 2017

<sup>395</sup> Amnesty International, [Pakistan: Widespread human rights violations continue: Amnesty International Submission for the UN Universal Periodic Review, 28th Session of the UPR Working Group, November 2017 \[ASA 33/6513/2017\]](#), 10 July 2017, p. 10

he had been writing about the increasing number of land mine explosions in the areas. Upon their return, Tarkazai and Afridi have not disclosed any information about their captors or the incidents. In a third incident, Junaid Ibrahim, a freelance journalist and journalism student at the University of Swat was abducted from his house in Swat on October 14. He has not been seen since his disappearance.<sup>396</sup>

Citing Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies (PIPS), the European Asylum Support Office noted in its COI Meeting Report on Pakistan, dated February 2018, that “One journalist was killed last week [October 2017] in Swabi District near Peshawar by the Tehrik-e Taliban Pakistan, the TTP, who claimed the journalist was spying for the security agencies. Something which indicates that the Taliban are still active and able to identify individuals and target them”.<sup>397</sup>

The same source further reported on non-state armed groups who threaten journalists that “Jamaat-ul-Ahrar, another group with a nation-wide reach, conducted 37 attacks mainly in Bajaur, Mohmand, Kurram, Karachi, Lahore and Quetta. This group is important in your context not only for launching terrorist attacks, but this group has also been involved in target killings of peace committees or armed militias formed against the Taliban. In tribal areas they continue to issue threats to journalists whom they disagree with”.<sup>398</sup>

The Heidelberg Institute for International Conflict Research noted with regards to attacks against journalists in Balochistan in 2017 that:

Militants carried out attacks targeting security personnel, infrastructure, the media, and civilians. [...] In early October, BLF [Balochistan Liberation Front] and UBA [United Baloch Army] gave the media an ultimatum to defy an alleged ban by the government on covering militant activity, denouncing the news coverage on Balochistan as biased. After the end of the ultimatum on October 24, militants attacked a newspaper shop in Turbat and the Hub Press Club in Karachi, Sindh, with grenades. The attacks resulted in the deployment of paramilitary troops to media houses and an almost complete disruption of newspaper distribution throughout Balochistan until November 5.<sup>399</sup>

Reporters Without Borders in November 2017 also reported about the situation of journalists in Balochistan province noting that “No newspapers have circulated in almost half of Balochistan’s districts for the past month. Grenades have been thrown and building facades have been raked with bullets. Journalists have closed 23 press clubs for fear of reprisals. Reporters, media workers and newspaper vendors are all now potential victims of these rebel groups”.<sup>400</sup>

BBC News in the same month similarly reported about journalists in Balochistan that: “More than a dozen towns, cities and districts in Pakistan’s restive province of Balochistan have been without newspapers for the past month. Journalists are too scared to produce them, and vendors are too afraid to sell them. The doors of the local press clubs are locked. In October, the Balochistan Liberation Front (BLF), a banned separatist group, issued an angry ultimatum to local journalists, whom they blamed for collaborating with the media wing of the Pakistan Army. The BLF accused the journalists

---

<sup>396</sup> International federation of Journalists, [Journalist still missing after three abductions in Pakistan](#), 18 October 2017

<sup>397</sup> [Muhammad Amir Rana] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, p. 61

<sup>398</sup> [Muhammad Amir Rana] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, p. 63

<sup>399</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Balochistan)* p.159

<sup>400</sup> Reporters Without Borders, [Pakistan: a month of silence for journalists in Balochistan](#), 24 November 2017

of failing to print its claims of responsibility for attacks. 'If you do not stop publishing one-sided propaganda we will take strict action,' the group warned in a statement".<sup>401</sup>

A December 2017 BBC News article further noted:

Matters came to a head in October when armed separatists in south-western Balochistan province threatened reprisals against the media if journalists continued to report what they called a "one-sided state narrative". Since the threat, several press clubs across the province have ceased to operate. Some newspapers have stopped printing, while others face falling circulations.

Balochistan has been under the virtual control of the military for almost 15 years. It is home to a low-intensity, armed separatist insurgency and houses an array of violent Islamist groups that regularly carry out attacks against religious minorities.

Journalists in the province are reluctant to speak on the record. In private conversations they say they are caught in an impossible dilemma.

"If we report human rights violations by the military or the religious groups, we are harassed and our government-sponsored advertisements are blocked to choke us financially. If we don't, the separatists threaten us," one senior journalist in Quetta said.<sup>402</sup>

The same article further reported on attacks and intimidation against journalists in the FATA region:

Another reporter, who is based in the Federally Administered Tribal Areas (Fata) region, received a call from someone speaking on behalf of a militant group asking him not to back local demands for Fata's merger with neighbouring Khyber Pakhtunkhwa province. The police and the courts sometimes seem to see religious groups as outside the law. The attack on a television crew by religious vigilantes at a major mosque complex in Islamabad in June was a case in point.

The Din News crew were planning to film alleged electricity theft by the management of the mosque. "I took my camera and did some filming while some bearded men who apparently camped at the mosque were watching," says Rashid Azeem, who edited the shoot. Then he went inside to pray as it was time for late afternoon prayers.

"While I was performing ablutions in the bathing area, they pounced on me," he says.

"I fell to the ground, and they started to drag me towards a half-open door, behind which I could see stairs descending into a basement."

His colleagues outside only just managed to use their van to prevent the mosque's main gate from being shut, distracting the attackers for a second. In the scuffle Mr Azeem escaped through the gate.

"There were bruises on his head, face and other parts of the body, and his clothes were all torn," said the crew's reporter, Ali Usman, who had helped keep the gate open.

A couple of days later, both victim and rescuer were advised by police that the mosque management had accused them of drinking water during Ramadan fasting hours - an offence under Pakistan's Islamic laws. As for the assailants, they were released on bail after a court dismissed the victims' pleas that the attack, part of which was filmed and shown to the police, amounted to spreading fear and fell under laws related to terrorism.

"The case is as good as dead, and we are not pursuing it," says Ali Usman.<sup>403</sup>

A Reporters Without Borders December 2017 article documented attacks by non-state actors on journalists and bloggers in Pakistan stating that:

In [...] Pakistan, fundamentalist groups and religious extremists tolerated by the authorities threaten journalists and bloggers with complete impunity, when they don't abduct them or hack them to death. It was exactly one year ago, on 7 January 2017, that the Pakistani blogger Samar Abbas disappeared. He was the founder of Civil Progressive Alliance Pakistan, a group that posted articles online defending religious freedom. Four other bloggers were abducted around the same time.

---

<sup>401</sup> BBC News, [Balochistan journalists caught 'between the stick and the gun'](#), 26 November 2017

<sup>402</sup> BBC News, [Where reporters face beatings, threats and death](#), 17 December 2017

<sup>403</sup> BBC News, [Where reporters face beatings, threats and death](#), 17 December 2017



After they went missing, a massive online smear campaign began accusing them of blasphemy, which carries the death penalty in Pakistan. Four of the five bloggers were released after several weeks but none of them dared to identify their abductors. The threat received by the family of one of the victims was explicit: “You who have blasphemed deserve death. You are out of Islam and should be ready for a painful punishment, which will be remembered by your generations to come”.<sup>404</sup>

In January 2018 Amnesty International reported on the case of a journalist attacked by armed men stating that:

Taha Siddiqui was driving to Islamabad airport at 8:20am today when the car he was traveling in was besieged by at least 10 armed men, who beat him, threatened to kill him, and tried to abduct him. The journalist escaped the assailants, but they took his possessions, including his passport, laptop and mobile phone.

“The beating and attempted abduction of Taha Siddiqui is the latest in a deeply worrying pattern of attacks on journalists in Pakistan. This is the third case in recent months when a journalist has been targeted by violent attackers while traveling by car. There has thus far been a failure by the authorities to identify the perpetrators, let alone bring them to justice,” said Omar Waraich, Deputy South Asia Director at Amnesty International.<sup>405</sup>

#### 4.7.5 Other targets of attacks

In its annual report on Pakistan covering 2016 the US Department of State reported that “Militants and terrorist groups, including the TTP, targeted civilians, journalists, community leaders, security forces, law enforcement agents, and schools, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities. A low-intensity separatist insurgency continued in Balochistan. Security forces reportedly committed extrajudicial killings in the fight against militant groups”.<sup>406</sup>

The Jamestown Foundation reported that in September 2016, “Jamaat-ul-Ahrar (JuA), once a disgruntled breakaway faction of Tehrik-e-Taliban Pakistan (TTP)” was behind a suicide strike which “targeted lawyers and security personnel at a court in Mardan District in Khyber Pukhtunkhwa province, killing 13 people and injuring over 40 others”.<sup>407</sup>

The Heidelberg Institute for International Conflict Research noted with regards to conflicts in Balochistan in 2017 that:

Militants carried out at least eight attacks against civilians, specifically targeting civilians from other provinces or laborers working on construction sites linked to the China Pakistan Economic Corridor (CPEC). The latter is opposed by separatists for allegedly exploiting the Baloch province and its people. For example, on May 13, two attackers on a motor-bike shot and killed ten laborers from Sindh province working at two construction sites near the port city of Gwadar. The BLA claimed responsibility for the attack. On February 21, the government announced the deployment of 15,000 military personnel to Balochistan and other provinces to protect CPEC projects.<sup>408</sup>

---

<sup>404</sup> Reporters Without Borders, [Three years after Charlie tragedy, death still threatens “blaspheming” journalists](#), 5 January 2018

<sup>405</sup> Amnesty International, [Pakistan: End impunity for attacks on journalists](#), 10 January 2018

<sup>406</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. g

<sup>407</sup> Jamestown Foundation, [Pakistan’s Jamaat-ul-Ahrar: A Violent Domestic Threat](#), 16 September 2016

<sup>408</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Balochistan)* p.159

The same source further noted that its Conflict Barometer for 2017 recorded that “The violent crisis over ideology and subnational predominance between Tehrik-e-Taliban Pakistan (Several attacks on tribal elders and peace committee members were reported, for which no militant organization claimed responsibility. For example, on February 13, unidentified militants shot dead three tribal elders in Sur Baghal area, Shekhainin, Orakzai Agency, FATA. On October 2, at least one person was killed and two others injured in an IED attack on the vehicle of peace committee member Ahmed Zeb in Malam Jabba near Mingora, Swat, Khyber-Pakhtunkhwa”.<sup>409</sup>

In its annual report covering events in 2017, the Center for Research and Security Studies (CRSS) listed victims of killings by profession<sup>410</sup>:

<b>Table 09: Professionals' fatalities - 2016 vs. 2017</b>		
<b>Category</b>	<b>2016</b>	<b>2017</b>
Students/Teachers/Instructors	33	10
Professors, Principals, Teachers, Lecturers	2	7
Doctors	7	6
Lawyers	60	1
Academicians	0	2
Social workers	0	1
Journalists	5	4
<b>Total</b>	<b>107</b>	<b>31</b>

In October 2017 the Movement for Solidarity and Peace in Pakistan reported that “another Shia Muslim Doctor has been killed in Pakistan. Dr Mohsin Raza Naqvi has been killed at his clinic in the city of Sialkot ,Punjab. Shia doctors always been the favorite target for banned terrorist outfits like Sipah Sahaba, Lashkar e Jhangvi, Tehreek e Taliban Pakistan etc”.<sup>411</sup>

In the abridged version of ‘Pakistan Security Report 2017’, the Pak Institute for Peace Studies provided a table which detailed the targets of the 370 terrorist attacks which occurred in 2017.<sup>412</sup> The full report is available for a fee [here](#).

The Pakistan Institute for Conflict and Security Studies (PICSS) recorded in its Security Assessment Report for 2017 with regards to targeted killings that:

There was no respite in deaths caused by targeted killings in 2017 as exactly same number of people (156) were killed in this type of attacks. However, number of incidents declined by 37 percent which implies that the targeted killing incidents were more lethal than previous year. Most lethal targeted killing incidents took place in Balochistan where non-Baloch labourers were targeted at a number of times. Fifteen each people were killed in at least two such incidents in Gawadar and Kech districts of the province. Shia Hazara community in Balochistan also remained one of the main targets of such attacks. [...]

<sup>409</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Pakistan (Talbian-Tribes)*

<sup>410</sup> Center for Research and Security Studies (CRSS), [CRSS Annual Security Report 2017](#), February 2018, *Fatalities of Civilians* p. 18

<sup>411</sup> Movement for Solidarity and Peace in Pakistan, [26 KILLED, OVER 56 WOUNDED IN SUICIDE BLAST NEAR LAHORE'S ARFA TECHNOLOGY PARK](#), 24 July 2017

<sup>412</sup> Pak Institute for Peace Studies, [Special Report, 2017 Security Report](#), 7 January 2018

People from Ahmadiya community also came under attack during 2017. Highest number of target killing incidents and resultant deaths took place in Balochistan followed by KPK.<sup>413</sup>

## 5. State Security Forces

### 5.1 Recent anti-terrorist measures or developments

A February 2018 Research Society of International Law report detailed the legal framework regarding counter-terrorism measures:

In Pakistan, the primary substantive law that governs counter-terrorism measures is the ATA [Anti-Terrorism Act]. The ATA is a special law under which special courts were established to try scheduled offences of terrorism. By virtue of being a special law, the ATA has an overriding effect on any other general laws. This rule is also provided for in Section 32 of the ATA. However, the said section also states that the Code of Criminal Procedure 1898 (Cr.P.C) shall apply to the antiterrorism courts (ATCs), as far as the provisions of Cr.P.C are consistent with the ATA. Under Section 32 the special courts are deemed to be Courts of Session and consequently provisions of the Cr.P.C and the Qanun-e- Shahadat Order 1984 (QSO) are applicable to the proceedings before the special courts. Section 32 of the ATA also recognizes that where there are no provisions provided in the ATA, the provisions in the Cr.P.C come into force. This is why the trial procedure for Sessions Courts, as laid down in the Cr.P.C, is the same procedure followed by the ATCs.<sup>414</sup>

In its annual report on Terrorism in Pakistan covering 2016 the US Department of State stated with regards to antiterrorism legislation in Pakistan that “The Government of Pakistan continued to implement the Antiterrorism Act (ATA) of 1997, the National Counterterrorism Authority Act, the 2014 Investigation for Fair Trial Act, and 2014 amendments to the ATA, all of which allow enhanced law enforcement and prosecutorial powers for terrorism cases. Special courts under the ATA hear terrorism cases. The law allows preventive detention against suspects”.<sup>415</sup>

The same report provided an overview of developments related to terrorism in Pakistan during 2016:

The number of terrorism-related civilian deaths in 2016 was approximately 600, far lower than the peak years of 2012 and 2013, when terrorist acts killed more than 3,000 civilians each year (according to the South Asia Terrorism Portal). Terrorists used a range of tactics – stationary and vehicle-borne improvised explosive devices (IEDs), suicide bombings, targeted assassinations, and rocket-propelled grenades – to attack individuals, schools, markets, government institutions, and places of worship. The Pakistani government continued to implement the national action plan against terrorism with uneven results. Progress remained slow on regulating madrassas, blocking extremist messaging, empowering the National Counter Terrorism Authority (NACTA), cutting off terrorist financing, and strengthening the judicial system. Despite its extensive security infrastructure, the country suffered major attacks, particularly in Balochistan.<sup>416</sup>

The same source further described counterterrorism military operations during 2016 stating that “The Pakistani military continued operations in Khyber and North Waziristan to eliminate anti-state militants. Security forces in urban areas, including the paramilitary Sindh Rangers in Karachi, arrested

---

<sup>413</sup> Pakistan Institute for Conflict and Security Studies, [PICSS Annual Security Assessment Report for 2017](#), January 2018, *Targeted Killings* p.20

<sup>414</sup> Research Society of International Law, [Counter-Terrorism and Human Rights: A Review of Anti-Terrorism Court Trial Procedure in Pakistan](#), February 2018, p. 8

<sup>415</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017, *Legislation, Law Enforcement, and Border Security*

<sup>416</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017, *Overview*

suspected terrorists and interrupted plots. In the aftermath of a high-profile terrorist attack at a Lahore park, the Rangers were also called temporarily into southern Punjab for law enforcement operations against militant groups. Many commentators credited the military operations for the reduced number of terrorism-related civilian deaths in Pakistan”.<sup>417</sup>

The report further detailed Pakistan’s international counter-terrorism efforts:

The Pakistan government supported political reconciliation between the Afghan government and the Afghan Taliban, but failed to take significant action to constrain the ability of the Afghan Taliban and HQN [Haqqani Network] to operate from Pakistan-based safe havens and threaten U.S. and Afghan forces in Afghanistan. The government did not take any significant action against LeT [Lashkar e-Tayyiba] or JeM [Jaish-e-Mohammad], other than implementing an ongoing ban against media coverage of their activities. LeT and JeM continued to hold rallies, raise money, recruit, and train in Pakistan.

The Pakistan government has not joined the Global Coalition to Defeat ISIS, although it designated ISIS as a terrorist organization in 2015. Police and security forces detained and killed a substantial number of ISIS-affiliated terrorists.<sup>418</sup>

The Pak Institute for Peace Studies report on the security situation in Pakistan covering 2016 provided an overview of the terrorist attacks and casualties:

Marking a decline of 28 percent from previous year, a total of 441 terrorist attacks took place in 57 districts/regions across Pakistan in 2016. These attacks, launched by various militant, nationalist/insurgent and violent sectarian groups, claimed 908 lives, a decrease of 12 percent from such fatalities in the year before, and inflicted injuries on another 1,627 people. The fact that 28 percent decline in attacks resulted in only a 12 percent decrease in fatalities indicates that militants carried out some major attacks during the year. A distribution of 441 attacks by 3 types of perpetrators, i.e. Taliban-like Islamist militants, nationalist insurgents, and sectarian terrorists, suggests that despite an overall reported decrease in fatalities in terrorist attacks in 2016, the number of people killed in attacks by the Taliban and other groups with similar objectives increased by over 10 percent; from 580 in 2015 to 640 in 2016. That indicates that the overall reported decrease in terrorism related fatalities in 2016 was mainly caused by fewer number of people killed in terrorist attacks launched by Baloch insurgent and violent sectarian groups, as compared to 2015.<sup>419</sup>

Freedom House stated in its annual report on Pakistan covering 2016 that “Terrorist violence continued to decline, with the South Asia Terrorism Portal counting 1,803 terrorism-related fatalities during the year, about half the number it had documented in 2015. The cumulative effect of the army’s clearance of terrorist sanctuaries in Waziristan, and intelligence-led operations elsewhere in the country, was that radical Islamist violence no longer directly threatened democratic order”.<sup>420</sup>

Human Rights Watch noted in its annual report on Pakistan covering 2016 that “Suicide bombings, armed attacks, and killings by the Taliban, Al-Qaeda, and their affiliates targeted nearly every sector of Pakistani society, including religious minorities, security personnel, health workers, lawyers, and journalists, resulting in hundreds of deaths. Military courts sentenced at least 100 people to death in connection with the attacks. Shrouded in secrecy, the proceedings raised fair trial concerns”.<sup>421</sup>

---

<sup>417</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017, Overview

<sup>418</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017, Overview

<sup>419</sup> Pakistan Institute for Peace Studies, [Pakistan Security Report 2016](#), 2017, Overview of security situation in 2016, p. 11

<sup>420</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, Executive Summary

<sup>421</sup> Human Rights Watch, [World Report 2017 - Pakistan](#), 12 January 2017, Counterterrorism and Law Enforcement Abuses

The 2018 Pak Institute for Peace Studies report on the security situation in Pakistan covering events in 2017 provided an overview of the terrorist attacks and casualties stating that “Militant, nationalist/insurgent and violent sectarian groups carried out, in all, 370 terrorist attacks in 64 districts of Pakistan during the year 2017 – including 24 suicide and gun-and-suicide coordinated attacks. These attacks claimed the lives of 815 people, besides inflicting injuries on another 1,736. The reported terrorist attacks in 2017 marked a decline of 16 percent from the previous year, and the number of people killed in these attacks also fell by 10 percent; the number of those injured, however, increased by 7 percent, as compared to the year before”.<sup>422</sup>

BBC News reported in a February 2017 article that “Pakistan faces a renewed threat of rising Islamic extremism, vigilantism, attacks on minorities and a reluctance to face up to how these threats are internally rather than externally inspired. Also missing is the lack of a comprehensive narrative against extremism, articulated unanimously by all bodies of the state and civil society. The result of the failure to push forward a clear counter-terrorism and counter-extremism narrative that embraces the entire public domain is that some extremist groups continue to be tolerated by elements of the state”.<sup>423</sup>

In its annual report on Pakistan covering 2017 Human Rights Watch noted with regards to Pakistan’s counterterrorism efforts that “In its efforts to tackle security threats from armed extremists, security forces committed serious violations during counterterrorism operations, including torture, enforced disappearances, and extrajudicial killings. Suspects were frequently detained without charge or tried without proper judicial process. Counterterrorism laws also continued to be misused as an instrument of political coercion and to silence dissenting voices”.<sup>424</sup>

The same source further stated that “Security forces remained unaccountable for human rights violations and exercised disproportionate political influence over civilian authorities, especially in matters of national security and counterterrorism. In March, parliament passed a constitutional amendment reinstating secret military courts to try terrorism suspects for another two years”.<sup>425</sup>

Freedom House noted in its annual report on internet freedom that “The government briefly suspended mobile internet in different parts of the country in 2016 and 2017 on grounds that terrorists could use the networks to coordinate violent acts. Much longer shutdowns were implemented in restive border regions, including one lasting more than a year in Federally Administrated Tribal Areas (FATA). The state also controls most of the backbone infrastructure”.<sup>426</sup>

In a March 2017 article BBC News reported on Pakistan’s decision to reinstate military courts to try civilians for terrorism-related offences, “Pakistan’s lower house has passed legislation to reinstate secret military courts, despite criticism from human rights activists. Military courts were first set up as a response to the 2015 attack on a military-run school by the Pakistani Taliban that killed 134 children. The courts, which try civilians charged with terrorism offences, had a two-year mandate that expired on 7 January”.<sup>427</sup>

In its submission to the UN Human Rights Committee dated June 2017, the International Commission of Jurists similarly reported on the renewal of amendments that allow military courts to try civilians for terrorism-related offences:

---

<sup>422</sup> Pakistan Institute for Peace Studies, [Pakistan Security Report 2017](#), 2018, *Overview of security situation in 2017*, p. 19

<sup>423</sup> BBC News, [Viewpoint: Will Pakistan ever stamp out extremism?](#), 1 February 2017

<sup>424</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Terrorism and Counterterrorism*

<sup>425</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018

<sup>426</sup> Freedom House, [Freedom on the Net 2017 – Pakistan](#), 14 November 2017, *Restrictions on Connectivity*

<sup>427</sup> BBC News, [Pakistan to reinstate secret military courts despite criticism](#), 22 March 2017

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 in December 2014, which killed nearly 150 people, most of them children. The expansion of military jurisdiction over civilians was put in place through the 21st Amendment to Pakistan’s Constitution and amendments to the Army Act, 1952. These amendments allowed military courts to try civilians charged with offences related to “terrorism” allegedly committed by those who claim to, or are known to, belong to a terrorist organization “using the name of religion or a sect”. Both sets of amendments expired on 6 January 2017 pursuant to a two-year “sunset clause”, but were renewed for an additional two-year period in March 2017 through the enactment of the 23rd Amendment to Pakistan’s Constitution and further amendments to the Army Act.<sup>428</sup>

In its submission to the United Nations Human Rights Committee dated June 2017, Amnesty International further reported on the use of military courts to try civilians for terrorism:

In January 2015, Parliament authorized the establishment of military courts for two years to try civilians accused of “terrorism motivated by religion or sectarianism”. These military courts imposed the death penalty on 161 individuals following trials held in secret, in violation of international standards for a fair trial. Among other concerns, the military courts were run by military officers subordinate to the military chain of command - and who had no formal legal training - in breach of the UN Basic Principles on the Independence of the Judiciary. The charges against the defendants were not made public and those convicted did not have the right to appeal in civilian courts. On 22 March 2017, Parliament approved a new constitutional amendment bill to extend the tenure of the military courts for another two years. Amnesty International has urged Pakistan’s lawmakers to reverse the decision to reinstate the military courts.<sup>429</sup>

The UN Human Rights Council noted in an August 2017 report that “Ahmadiyya Muslim Lawyers Association (AMLA), CSW [Christian Solidarity Worldwide] and IHRC [International Human Rights Committee] stated counter-terrorism authorities had used the framework of the National Action Plan to arrest and prosecute vulnerable Ahmadis as “terrorists” under the Anti-Terrorism Act of 1997”.<sup>430</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

While noting the State party’s need to take measures to combat terrorism, the Committee remains concerned by the very broad definition of terrorism laid down in the Anti-Terrorism Act; by the Act’s supremacy over other laws, including the Juvenile Justice System Ordinance, 2000, which enables the courts to try juveniles; by the power of the authorities to detain a person for up to one year; and by the admissibility of confessions made in police custody as evidence in court, provided for in section 21-H of the Act. It is also concerned by the extensive jurisdiction of antiterrorism courts and the huge backlog of cases, as well as the absence of procedural safeguards in court proceedings (arts. 2, 6, 7, 14 and 15). [...]

The Committee is concerned by the extension of the jurisdiction of military courts to cases transferred from the antiterrorism courts and to persons detained under the Actions (in Aid of Civil Power) Regulation. The Committee is also concerned that the courts have convicted at least 274 civilians, allegedly including children, in secret proceedings and sentenced 161 civilians to death. It is also concerned that some 90 per cent of convictions are based on confessions; that the criteria used for the selection of cases to be tried by these courts are not clear; that defendants are not given the right to

---

<sup>428</sup> International Commission of Jurists, [ICJ’s submission to the UN Human Rights Committee in advance of the Human Rights Committee’s examination of Pakistan’s initial report](#), June 2017, A. *The Trial of Civilians in Military Courts*, paragraph 4

<sup>429</sup> Amnesty International, [Pakistan: Submission to the United Nations Human Rights Committee, 120th Session, 3-28 July 2017 \[ASA 33/6380/2017\]](#), June 2017, p. 6 and 7

<sup>430</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, paragraph 21



appoint legal counsel of their own choosing in practice, nor an effective right of appeal to the civilian courts; and that the charges against the defendants, the nature of evidence and the written judgments explaining the reasons for conviction are not made public. The Committee is further concerned that the military courts have allegedly convicted at least five “missing persons” whose cases were being investigated by the Commission of Inquiry on Enforced Disappearances (arts. 2, 6, 7, 9, 14 and 15).<sup>431</sup>

The September 2017 Report of the Office of the United Nations High Commissioner for Human Rights stated that “The Committee was deeply concerned that Pakistan had authorized military courts to try civilians for terrorism-related offences, most recently in 2017 under the twenty-third amendment to the Constitution. The Human Rights Committee recommended that legislation relating to the military courts be reviewed in order to abrogate their jurisdiction over civilians and their authority to impose the death penalty”.<sup>432</sup>

The UN Security Council reported in February 2018 on Pakistani military operations conducted against terrorist groups that “Pakistani military operations conducted in the Federally Administered Tribal Areas resulted in the arrest of 4,000 terrorists through more than 2,000 intelligence - based operations; approximately 100 local support networks have also been disrupted. The military operations also denied space for ISIL to establish an organizational structure in the area. Terrorist attacks claimed by ISIL are mainly carried out by members of local groups with cross-border planning and support by ISIL”.<sup>433</sup>

## 5.2 Death penalty

Also see [8.2.1. Juvenile executions](#).

Human Rights Watch noted in its annual report on Pakistan covering 2016 that “Pakistani law mandates capital punishment for 28 offenses, including murder, rape, treason, and blasphemy. Those on death row are often from the most marginalized sections of society, including people with disabilities”.<sup>434</sup>

Human Rights Watch noted with regards to applying the capital punishment for blasphemy that “Section 295-C of Pakistan’s penal code, known as the blasphemy law, carries what is effectively a mandatory death sentence. Although there have been no executions to date, at least 18 people are currently on death row, while another 20 are serving life sentences for related offences. Hundreds have been charged under the law. The law is increasingly used to jail and prosecute people for comments made on social media”.<sup>435</sup>

A July 2017 Justice Project Pakistan report provides an overview of executions during December 2014 and May 2017 stating that “In December 2014, Pakistan lifted a de facto moratorium on the death penalty. From then until May 2017, Pakistan has executed 465 people at an average of 3.5 executions

---

<sup>431</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 21 and 23

<sup>432</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Compilation on Pakistan; Report of the Office of the United Nations High Commissioner for Human Rights \[A/HRC/WG.6/28/PAK/2\]](#), 4 September 2017, *Human rights and counter-terrorism*, paragraph 19

<sup>433</sup> UN Security Council, [Letter dated 17 January 2018 from the Chair of the Security Council Committee pursuant to resolutions 1267 \(1999\), 1989 \(2011\), and 2253 \(2015\) concerning Islamic State in Iraq and the Levant \(Da’esh\), Al-Qaida and associated individuals, groups, undertakings and entities addressed to the President of the Security Council \[S/2018/14\]](#), 27 February 2018, paragraph 53

<sup>434</sup> Human Rights Watch, [World Report 2017 - Pakistan](#), 12 January 2017, *Death Penalty*

<sup>435</sup> Human Rights Watch, [Pakistani Professor’s Endless Blasphemy Trial](#), 5 February 2018

per week. Individuals can be sentenced to death through Anti-Terrorism Courts (ATCs), Military Courts, or District and Sessions Courts. Only ATCs and Military Courts have jurisdiction over terrorism related charges. 78 percent of people executed in Sindh were sentenced by ATCs, 43 percent in Balochistan, 14 percent in Punjab, and 0 percent in Khyber Pakhtunkhwa. Despite making up less than half of Pakistan's population, Punjab accounts for 83 percent of the executions and 89 percent of death sentences in Pakistan".<sup>436</sup>

A joint report by the International Federation for Human Rights (FIDH) and the Human Rights Commission of Pakistan (HRCP) dated October 2017 similarly noted that "In 2016, Pakistan carried out at least 87 executions and sentenced at least 360 people to death, bringing it within the top five executing countries globally. At least 6,000 people remained on death row at the end of 2016".<sup>437</sup>

The UK Foreign and Commonwealth Office noted in a February 2017 report with regards to the application of death penalty in the second half of 2016 that "serious concerns over Pakistan's use of the death penalty remain. In particular, serious concerns remain in relation to prisoners with mental and physical illness such as Imdad Ali, Khizar Hayat and Abdul Basit. In October, it was reported that the Supreme Court had acquitted 2 brothers previously hanged for murder".<sup>438</sup>

Amnesty International provided an overview of the application of death penalty in Pakistan in 2016:

The pace of executions carried out in Pakistan decreased significantly from 2015, when 326 executions were reported. With at least 87 executions carried out in 2016, however, Pakistan remained among the world's top executioners. At least four of those executed included prisoners convicted by the military courts established in January 2015 to try civilians suspected of terrorism-related offences for a period of two years. At least 133 people were sentenced to death by these courts during the year. Proceedings under these military courts did not meet international fair trial standards. Figures from the NGO Human Rights Commission of Pakistan indicated that a further 277 death sentences were imposed by civilian courts during the year, including 193 by ordinary courts and 31 by Anti-Terrorism Courts – special courts established under the Anti-Terrorism Act of 1997 – which the authorities have used to try defendants charged with offences under the Penal Code. At least 360 people were sentenced to death during 2016; at least 6,000 people remained on death row. The death penalty was used in contravention of international law and standards, including on people with mental disabilities, for crimes that did not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted, such as "blasphemy"; and in violation of the defendants' right to a fair trial.<sup>439</sup>

An Australian Government country report on Pakistan dated September 2017 noted that "Under Pakistani law, 27 offences can attract the death penalty, including blasphemy, terrorism, murder, rape, drug smuggling and adultery. More than 8,000 people are currently on death row in Pakistan. Around 430 people have been executed since an unofficial moratorium on executions was lifted in December 2014, including more than 40 people executed since the beginning of 2017. The vast majority of those executed have been convicted of murder or terrorism-related charges. Pakistan has executed people who were minors at the time their crime was committed, and people suffering from mental illness. Many of those executed were reportedly convicted in trials that did not meet international standards

---

<sup>436</sup> Justice Project Pakistan, [Counting Executions](#), 06 July 2017, p. 1

<sup>437</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 3

<sup>438</sup> UK Foreign and Commonwealth Office, [Human Rights and Democracy Report 2015 - Human Rights Priority Country update report: July to December 2016 - Pakistan](#), 8 February 2017

<sup>439</sup> Amnesty International, [Death Sentences and Executions 2016](#), 11 April 2017, p. 24

for fair trials. People tried in Pakistan's military courts do not have access to the same due process requirements afforded to those trialled in civilian courts".<sup>440</sup>

BBC News reported in a December 2016 article that "A military court in Pakistan has sentenced a top Pakistani Taliban leader from the Swat region to death. Muslim Khan, a former spokesman for the militants, was convicted of killing 31 people, including civilians and security personnel, the military said. He is among eight "terrorists" whose death penalty was confirmed by army chief Gen Qamar Javed Bajwa".<sup>441</sup>

In its submission to the UN Human Rights Committee dated June 2017, the International Commission of Jurists provides an overview of the implementation of the death penalty during the first half of 2017 stating "Since January 2017, at least 161 people were given the death penalty after being convicted on the basis of "confession" evidence by military courts (see section above for concerns about the high rate of "confessions" and the circumstances in which such "confessions" are likely to have been obtained). Out of the 161 people given the death penalty, at least 48 civilians have already been executed from January 2015 to May 2017. Under international law, including under Article 6 of the Covenant, the death penalty can only be carried out pursuant to a final judgment of a competent court. The safeguards to be afforded throughout the legal proceedings to ensure a fair trial in cases in which the death penalty may be imposed should be at least equal to those contained in Article 14 of the Covenant".<sup>442</sup>

Human Rights Watch provides an overview of the application of death penalty in Pakistan in their annual report covering 2017 reporting that "At least 44 people on death row were executed in 2017, of whom 37 were executed after convictions by military courts".<sup>443</sup> The Heidelberg Conflict Barometer for 2017 recorded that "throughout the year, 35 mostly TTP affiliated militants were executed in KP and Punjab after being charged with terrorism by military courts".<sup>444</sup>

Radio Free Europe/Radio Liberty reported in a March 2017 article on the execution of terrorists by the military stating that "Pakistan's military says it has executed five "hardcore terrorists" who were involved in attacks on army and other security personnel. The military says the executions of the five Taliban militants, all members of Tehrik-e-Taliban Pakistan, were carried out on March 8 at the District Jail Kohat in the northwestern part of the country. Military trials of terrorism suspects were legalized in January 2015 for a two-year period amid arguments that civilian courts were too slow to deal with cases and that many judges feared becoming victims of reprisal attacks".<sup>445</sup>

Freedom House stated in their annual report on internet freedom (covering June 2016 - May 2017) that "The climate for prosecutions improved slightly in comparison to the previous reporting period, when two 13-year prison sentences were passed for Facebook comments that were not reported to include threats of violence (see Legal Environment). But arrests continued to be documented, and the brief respite with regard to sentencing was short lived. On June 10, 2017, just days after the end of

---

<sup>440</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 34

<sup>441</sup> BBC News, [Pakistan to hang 'butcher of Swat' Muslim Khan](#), 29 December 2016

<sup>442</sup> International Commission of Jurists, [ICJ's submission to the UN Human Rights Committee in advance of the Human Rights Committee's examination of Pakistan's initial report](#), June 2017, A. *The Trial of Civilians in Military Courts*, paragraph 28

<sup>443</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Death Penalty*

<sup>444</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Asia and Oceania* p.135

<sup>445</sup> Radio Free Europe/Radio Liberty, [Pakistan Military Executes Five Taliban For Attacks On Police, Army](#), 8 March 2017

the coverage period, a court awarded the death penalty in a blasphemy trial involving comments published on Facebook”.<sup>446</sup>

Amnesty International reported in its Submission to the United Nations Human Rights Committee dated June 2017 on the use of death penalty on juvenile offenders that “The death penalty has been used on persons who were below 18 years of age when the crime was committed, despite the clear prohibition of the practice in Article 6(5) of the Covenant, Article 37(a) of the Convention on the Rights of the Child, and under customary international law. Pakistan’s Juvenile Justice System Ordinance (JJSO), 2000 also prohibits the imposition of the death penalty on “a person who at the time of commission of an offence has not attained the age of eighteen years”. Since December 2014, at least five individuals have been executed who were believed to be younger than 18 years of age at the time when the crime was committed.”<sup>447</sup>

The same source further details the application of death penalty on people with mental disabilities:

Pakistan’s domestic legislative framework identifies mental incapacity as a defence, but is silent on the exclusion of those with mental disability from the imposition of the death penalty. In September 2016, the Supreme Court dismissed a petition for a stay of the execution of a convict diagnosed as having paranoid schizophrenia. The Supreme Court declared that “rules relating to mental sickness are not subjugative to delay the execution of death sentence”. The petitioner, Imdad Ali, was convicted of murder in 2002. His appeals against his conviction and sentence were rejected by the High Court and the Supreme Court. In November 2015, the President rejected his mercy petition. Throughout his proceedings, Imdad Ali raised the fact that he had a mental disability, but the trial and appeals courts rejected his claim. Ali’s lawyers sought a stay on the execution to enable him to write his will, following necessary medical treatment. Amid protests by human rights groups, the Supreme Court constituted a “medical board” to examine Ali in November 2016, stating that his execution would be stayed if he were found to have a mental disability. The court, however, ruled out the possibility of quashing his sentence.<sup>36</sup> The court has yet to set a fresh date for hearing. Ali remains on death row. In January 2017, the Lahore High Court gave a last-minute reprieve to Khizar Hayat, another individual diagnosed as having schizophrenia, days before he was to be executed. The court said it would be unjust to execute Hayat before the Supreme Court had made a decision regarding Imdad Ali. International law prohibits the imposition and implementation of death sentences against persons with mental or intellectual disabilities. This includes people who have developed mental disorders after being sentenced to death.<sup>448</sup>

*For further information, see section [10 Treatment of persons with disabilities, Detention, trial and execution of persons with disabilities](#).*

The UN Human Rights Council noted in a September 2017 report that “The High Commissioner noted that more than 8,000 people remained on death row in Pakistan, of whom approximately 800 had reportedly been juveniles at the time of the commission of the offence”.<sup>449</sup>

In October 2017 Human Rights Watch reported on the application of the death penalty in Pakistan that “Pakistan has executed at least 471 people since it lifted an informal moratorium on executions

---

<sup>446</sup> Freedom House, [Freedom on the Net 2017 – Pakistan](#), 14 November 2017, *Prosecutions and Detentions for Online Activities*

<sup>447</sup> Amnesty International, [Pakistan; Submission to the United Nations Human Rights Committee, 120th Session, 3-28 July 2017 \[ASA 33/6380/2017\]](#), June 2017, p. 7

<sup>448</sup> Amnesty International, [Pakistan; Submission to the United Nations Human Rights Committee, 120th Session, 3-28 July 2017 \[ASA 33/6380/2017\]](#), June 2017, p. 8 and 9

<sup>449</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Compilation on Pakistan; Report of the Office of the United Nations High Commissioner for Human Rights \[A/HRC/WG.6/28/PAK/2\]](#), 4 September 2017, *Civil and political rights paragraph 24*

in December 2014. In many cases, there are serious concerns that people executed were denied the right to a fair trial. Courts have also imposed the death penalty, in violation of international law, on people with mental disabilities, individuals who were below 18 years of age when the crime was committed, and those whose convictions were based on “confessions” extracted through torture or other ill-treatment”.<sup>450</sup>

A joint report by the International Federation for Human Rights (FIDH) and the Human Rights Commission of Pakistan (HRCP) dated October 2017 provided an overview of death penalty in Pakistan during 2017:

At least 55 executions were carried out between 1 January 2017 and 15 August 2017. In many instances, death sentences have been imposed for crimes that do not meet the threshold of the “most serious crimes.” Some of those crimes carry a mandatory death sentence. In addition, the death penalty has been imposed on individuals who were minors at the time of the crime and on the mentally disabled. The imposition of the death penalty on children is in contravention of Pakistan’s obligations under the Convention on the Rights of the Child. Furthermore, presidential clemency continues to be denied to those on death row.<sup>451</sup>

The same report further noted that “On 10 June 2017, Taimoor Raza, a 30-year-old man, was sentenced to death for allegedly committing blasphemy over a Facebook post. On 14 September 2017, a 35-year-old Christian man was sentenced to death for allegedly sharing blasphemous material on WhatsApp”.<sup>452</sup>

A BBC News article dated June 2017 similarly reported on the sentencing to death of a man accused of blasphemy:

A man accused of posting blasphemous content to Facebook has been sentenced to death by a court in Pakistan. Taimoor Raza was convicted after allegedly posting remarks about the Prophet Muhammad, his wives and companions within the site’s comments. The public prosecutor involved said he believed it was the first time the death penalty had been awarded in a case related to social media. Human rights campaigners have expressed concern. Facebook itself has yet to comment on the case. [...] His defence lawyer said the 30-year-old had become involved in an argument about Islam on the social network with someone who had turned out to be a counter-terrorism official. The public prosecutor said the accused had been arrested after playing hate speech and blasphemous material from his phone at a bus stop, following which his handset had been confiscated and analysed. Raza will be able to appeal against the death penalty at Lahore High Court and then, if required, in Pakistan’s Supreme Court.<sup>453</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee notes with concern that the State party lifted its moratorium on the death penalty in December 2014 and that, since then, it has been one of the States with the highest rates of executions. It is particularly concerned that the death penalty is applied to crimes other than the “most serious crimes” within the meaning of article 6 (2) of the Covenant, such as drug trafficking and blasphemy; that juveniles and persons with psychosocial or intellectual disabilities are reportedly sentenced to

---

<sup>450</sup> Human Rights Watch, [Pakistan: Election to UN Rights Body Spotlights Failings](#), 18 October 2017

<sup>451</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 2 and 3

<sup>452</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 3

<sup>453</sup> BBC News, ['Facebook blasphemer' given death penalty](#), 12 June 2017

death and executed; that a policy of blanket refusal of clemency applications is allegedly in place and no clemency applications have been granted; and that executions are allegedly carried out in a manner that constitutes torture or cruel, inhuman or degrading punishment. It also notes with concern the large number of Pakistani migrant workers who have been sentenced to death and executed overseas and the reportedly insufficient consular and legal services made available to them (arts. 2, 6, 7, 9, 14 and 24).<sup>454</sup>

Human Rights Watch reported in September 2017 that “On September 14, a court in Gujrat district, Punjab province sentenced to death Nadeem James, a 35-year-old Christian, for sending a poem to a friend that was deemed insulting to Islam. James denies ever having sent the message”.<sup>455</sup>

Radio Free Europe/Radio Liberty reported in an October 2017 article that “Pakistani authorities have executed three militants sentenced to death by military courts after being convicted of carrying out terrorist attacks in recent years, the military said. A statement said the executions took place at a prison in the country's northwest on October 4”.<sup>456</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan (HRCP) noted that “Justice Project Pakistan also records 8,200 prisoners on death row, which is one of the highest figures in the world. These prisoners are kept in death row cells. In Pakistan, six or more prisoners are kept in a cell built for one or two people and are confined for 23 hours a day in these cells”.<sup>457</sup>

BBC News noted in a February 2018 article that “A Pakistani court has sentenced one man to death and handed life terms to five others for murdering a student who was falsely accused of blasphemy. Twenty-five others were convicted of lesser offences in the case and 26 people were acquitted. Mashal Khan was dragged out of his university accommodation in north-west Pakistan in April 2017 by a crowd of hundreds of his fellow students. He was badly beaten before being shot and his body mutilated”.<sup>458</sup>

## 5.3 Unlawful use of force

### 5.3.1 Extrajudicial killings

Freedom House stated in its annual report on political rights and civil liberties in 2016 that “The military and the intelligence services enjoy impunity for indiscriminate use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses are common”.<sup>459</sup>

Human Rights Watch noted in a September 2016 report that “There are numerous reported cases of police extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces”.<sup>460</sup>

The same source further noted that “Senior and lower cadre officials across provinces and districts agreed that the justice system needs severe reform for policing to improve. They expressed frustration

---

<sup>454</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 17

<sup>455</sup> Human Rights Watch, [In Pakistan, a Text Message Can Lead to a Death Sentence](#), 18 September 2017

<sup>456</sup> Radio Free Europe/Radio Liberty, [Pakistan Executes Three Militants Convicted Over Terrorist Attacks](#), 4 October 2017

<sup>457</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Death penalty* p.64

<sup>458</sup> BBC, [Mashal Khan case: Death sentence for Pakistan 'blasphemy' murder](#), 7 February 2018

<sup>459</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, *Rule of Law*

<sup>460</sup> Human Rights Watch, [This Crooked System, Police abuse and reform in Pakistan](#), September 2016, p. 1



over the delays in the judicial process and the inability to secure prompt convictions, which some officers used to justify the custodial torture or extrajudicial killings of suspected criminals”.<sup>461</sup>

The same Human Rights Watch also reported on the practice of the so-called “encounter killings” stating that “In Pakistan faked “encounter killings” are a particularly common form of extrajudicial killings by police. An encounter killing occurs when the police justify the killing of a criminal suspect either as an act of self-defense or as a means of preventing suspects from fleeing arrest or escaping from custody”.<sup>462</sup>

The report further stated that “Many senior police officers who spoke to Human Rights Watch, particularly in Punjab, did not deny the practice of killing suspects in faked encounters. An officer in Sahiwal said: “Yes, junior officers do stage encounters and kill suspects. I have stopped them and explained that this is not a solution for dealing with hardened offenders, and that it will only lead to further hatred and mistrust of the police. But they don’t care. As far as they are concerned, encounters are the perfect way of getting rid of hardened criminals. They do not consider it a gross violation of human rights and instead see it as an effective way of delivering justice””.<sup>463</sup>

The Human Rights Commission of Pakistan also noted the practice of encounter killings in its annual report for 2016 stating that “Encounter killings have always tainted Pakistan. Law-enforcement agencies continued to make widespread use of so-called encounters to eliminate suspects. The Punjab police said they killed as many as 340 criminals in at least 291 ‘encounters’ across the province in 2016 as against 457 in 394 shootouts in 2015. The Punjab’s counter-terrorism department also said they killed dozens of terror suspects, most of them later identified as commanders of the banned outfits or terror groups, during the security operations”.<sup>464</sup>

In its July to December 2016 update on human rights in Pakistan, the UK Foreign and Commonwealth Office noted “Reports of extra judicial killings by security forces continued”.<sup>465</sup>

The US Department of State Human Rights Report for 2016 noted “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 [Federally Administered Tribal Areas], Sindh, and KP [Khyber Pakhtunkhwa]”.<sup>466</sup>

The same source further stated that “A low-intensity separatist insurgency continued in Balochistan. Security forces reportedly committed extrajudicial killings in the fight against militant groups”.<sup>467</sup>

Amnesty International noted in an October 2016 report that “Human rights defenders and political activists from the ethnic Baloch community have been subjected to abductions, enforced disappearances, torture and extrajudicial executions in Pakistan’s Balochistan province and in and around the city of Karachi in the neighbouring province of Sindh. Scores of individuals, mostly men but allegedly also some children, have reportedly been subjected to these violations, but the precise

---

<sup>461</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 70

<sup>462</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 42

<sup>463</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 43

<sup>464</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 54

<sup>465</sup> UK Foreign and Commonwealth Office, [Pakistan – Human Rights Priority Country status report: July to December 2016](#), 8 February 2017

<sup>466</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

<sup>467</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. g. Abuses in Internal Conflict

figures are impossible to verify given the secretive nature of the abductions and killings. Some of these individuals are released or handed to the police to be prosecuted before the courts. However, many are recovered dead, their bodies often bearing bullet wounds and what appear to be torture marks. Relatives and Baloch groups accuse Pakistani security forces, particularly the paramilitary Frontier Corps and Rangers and intelligence services, of perpetrating these violations".<sup>468</sup>

BBC News reported in a December 2016 article that "Nearly 1,000 dead bodies of political activists and suspected armed separatists have been found in Pakistan's restive Balochistan province over the past six years. Activists say the figures, obtained from the human rights ministry by BBC Urdu, point to large-scale extrajudicial killings. Relatives say most victims had been picked up by security agencies. The government blames the dumped bodies on infighting among insurgent groups".<sup>469</sup>

An Asian Human Rights Commission December 2016 article documented the extrajudicial killing of a Sindhi nationalist:

The Asian Human Rights Commission (AHRC) has received information regarding the extra judicial killings during custody and enforced disappearance of Sindhi nationalists. The dead body of Mr. Zakir Hussain Bozdar was found. He was missing after his arrest on December 3.

[...] On December 10, the International Day for Human Rights, the mutilated body of a leader of Jeay Sindh Muttaida Muhaz's (JSMM), Mr. Zakir Hussain Bozdar was found on the road side near Degree College in Ghotki city, Sindh province. He was wrapped in a shroud, his body bearing the marks of torture. Zakir Bozdar was abducted along with his brother Ghulam Hussain Bozdar by uniformed and plain clothes men from the Pakistan Rangers on December 03. They raided his house in Mirpur Mathelo town of District Ghotki, Sindh. According to reports, Rangers personnel, local police, plain clothes agency officers in four police and rangers vans and agency police in cars, seized the Mirpur Mathelo town area in Ghotki and Mr. Bozdar was taken to an undisclosed location. His brother was released after one hour.<sup>470</sup>

In its 2017 Concluding Observations on the initial report of Pakistan, the UN Committee against Torture stated that "The Committee notes that, during the dialogue, the State party provided information on 13 cases in which prosecutors had brought charges against members of the police, including cases of alleged extrajudicial killing and torture. However, no indication was given of whether any of the cases has yet resulted in criminal penalties".<sup>471</sup>

The same source further stated that "The Committee is deeply concerned at reports that members of the State party's military forces, intelligence forces, such as the Inter-Services Intelligence agency, and paramilitary forces, such as the Frontier Corps and the Pakistan Rangers, have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances".<sup>472</sup>

In its Concluding observations on the initial report of Pakistan dated August 2017, The UN Human Rights Committee stated that "The Committee is concerned by the high incidence of enforced

---

<sup>468</sup> Amnesty International, [Urgent Action: 232/16 \[ASA 33/4971/2016\]](#), 11 October 2016, p. 2

<sup>469</sup> BBC News, [Balochistan war: Pakistan accused over 1,000 dumped bodies](#), 28 December 2016

<sup>470</sup> Asian Human Rights Commission, [Pakistan: Disappearances and extra judicial killings of Sindhi nationalists continue](#), 13 December 2016

<sup>471</sup> UN Committee against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Allegations of widespread use of torture by the police*, paragraph 6

<sup>472</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Impunity for acts of torture by military and paramilitary forces and intelligence agencies*, paragraph 10

disappearances and extrajudicial killings allegedly perpetrated by the police and military and security forces”.<sup>473</sup>

A September 2017 report on Pakistan by the Australian Government’s Department of Foreign Affairs and Trade described the role of paramilitary Pakistan Rangers in extrajudicial killings stating that:

In addition to the province-based police forces, several paramilitary forces operate in Pakistan. These groups include the Pakistan Rangers, which operate predominantly in Punjab and Sindh provinces. The Rangers are notionally under the authority of the Ministry of the Interior, although they are headed by an Army General and are in practice under the control of the military. The Rangers undertake border security operations along the Indian border, as well as internal law and order operations. The Rangers have been criticised for heavy-handed tactics, particularly in Karachi, including widespread accusations of arbitrary arrests and extrajudicial killings, although they receive popular support from some parts of the community due to the improvement in the security situation in recent years.<sup>474</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan noted that “More Pakistanis died in incidents described by law enforcement agencies as encounters than in gun violence or in suicide attacks in 2017, according to the findings of research conducted by the Centre for Research and Security Studies. The study shows that 495 people were reported killed in what the law enforcement agencies said were shootouts. The number of those killed in gun violence was 399, those in suicide attacks 298, and in bomb explosions 144. The corresponding numbers for 2016 were 645 in alleged encounters, 485 in gun violence, and 376 in suicide attacks”.<sup>475</sup>

The U.S. Department of State report for 2017 continued to document that “There were numerous reports authorities committed arbitrary or unlawful killings. Security forces reportedly committed extrajudicial killings in connection with conflicts in Punjab, Balochistan, FATA, Sindh, and KP. [...] There were numerous media reports of police and security forces killing terrorist suspects in “police encounters.” Some observers believed security forces orchestrated at least some of these killings”.<sup>476</sup>

A January 2018 report issued by Human Rights Watch reviewing events of 2017 noted that “Security forces were implicated in enforced disappearances and extrajudicial killings throughout the country. [...] The human rights crisis in Balochistan continued with reports of enforced disappearances and extrajudicial killings of suspected Baloch militants. Baloch nationalists and other militant groups continued attacking non-Baloch civilians”.<sup>477</sup>

New York Times described in a January 2018 article the extrajudicial killing of Pashtun social media model at the hands of a Karachi police commander:

A top Karachi police commander known for harsh tactics has been forced out after what he called a shootout with the Taliban ended in the death of an aspiring model popular on social media, triggering days of protests.  
[...] On Jan. 13, Superintendent Anwar released a statement claiming that he and his officers had thwarted a deadly attack on Karachi’s airport, killing four unidentified militants who he said had a history of killing “police, Rangers and army personnel.”

---

<sup>473</sup> UN Human Rights Committee, [Concluding observations on the initial report of Pakistan \[CCPR/C/PAK/CO/1\]](#), 23 August 2017, *Enforced disappearance and extrajudicial killing*, paragraph 19

<sup>474</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 36

<sup>475</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Law and Order* p.44

<sup>476</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 1a and 1 g, Killings*

<sup>477</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018

Three days later, the family of Naqeebullah Mehsud, a 27-year-old shopkeeper with dreams of becoming a model, received his bullet-riddled body from the authorities, along with the news that he had been among the supposed militants shot by the police. Mr. Mehsud and his family are part of a community of hundreds of thousands of Pashtuns who used to live in the tribal areas of Pakistan and were displaced to Karachi over years of violence with the Taliban and other militant groups that dominated some of those places.

Mr. Mehsud's relatives insist that he has never had militant ties and was targeted just because he was Pashtun. "We're still in shock about what happened," said Manzoor Ahmed, a family friend and social activist. "His entire family is trying to understand why this happened to Naqeebullah."

An internal police investigation into the supposed Taliban shootout supports the family's side of events, finding the superintendent's account of the clash "doubtful" and uncovering no apparent links between Mr. Mehsud and any militant group.

[...] The superintendent was dismissed outright on Saturday. And after he failed to appear for a mandatory interview before the National Commission for Human Rights on Monday, the local police said they were preparing to issue an arrest warrant if he skips another session.<sup>478</sup>

### 5.3.2 Torture and other forms of ill-treatment and abuse

A June 2017 joint report submitted to the UN Human Rights Committee by the Justice Project Pakistan, the World Organisation Against Torture and Reprieve provides an overview of the legal framework regarding torture:

Domestic law neither defines nor criminalizes torture as required by the ICCPR [International Covenant on Civil and Political Rights]. The Constitution only prohibits torture for the purpose of extracting evidence and the Pakistan Penal Code (XIV of 1860) (Penal Code) only punishes the infliction of hurt that encompasses bodily harm in general. There are three similar draft anti-torture bills, introduced by individual lawmakers, pending in Parliament for several years. However, the government has not supported any of the bills or announced its intentions to introduce its own bill despite the government's National Action Plan on Human Rights making anti-torture legislation a priority. The government's support for an anti-torture law is key for such a law to pass in Parliament given that it has the majority of seats. In May 2017, the Committee against Torture thus encouraged Pakistan to adopt one of the current draft bills or to propose new legislation that is in full compliance with the Convention against Torture.<sup>479</sup>

The US Department of State annual report on human rights in Pakistan covering 2016 stated that "Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment, the criminal code has no specific section against torture. It prohibits causing "hurt" but does not mention punishing perpetrators of torture. There are no legislative provisions specifically prohibiting torture. There were reports that security forces, including the intelligence services, tortured and abused individuals in custody".<sup>480</sup>

Justice Project Pakistan noted in a September 2016 report on the application of death penalty that "Undertrained and under resourced, police rely heavily on confessions as evidence of guilt, and the use of torture is widespread. Police lack forensics capabilities and other means of investigation. Torture is prohibited under Pakistan's Constitution, but police training texts 'not only neglect to reinforce this right, but also hardly discuss the issue of torture as a means of eliciting a confession at all.' The Independent Commission found that police training 'is archaic both in its content and in its

---

<sup>478</sup> New York Times, [The Slain 'Militant' Was a Model, and a Karachi Police Commander Is Out](#), 23 January 2018

<sup>479</sup> Justice Project Pakistan; World Organisation Against Torture; Reprieve (Author), published by UN Human Rights Committee, Pakistan, [Alternative Report to the Human Rights Committee](#), June 2017, paragraph 4

<sup>480</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

methodology. The emphasis is on muscle over mind.’ In one survey police officers said that they resorted to torture because they had not been taught any other method”.<sup>481</sup>

Human Rights Watch indicated in its September 2016 report on police abuse and reform in Pakistan that:

Torture and other ill-treatment of suspects in police custody is a widespread problem in Pakistan. Human Rights Watch discovered that such practices include custodial beatings, by hand or with batons and litters (strips of leather), the stretching and crushing of detainees’ legs with roola (metal rods), sexual violence, prolonged sleep deprivation, and mental torture, including forcing detainees to witness the torture of others. Custodial deaths resulting from torture are not uncommon. Former detainees often reported long- lasting effects including physical pain, disability, and mental stress. Police frequently torture suspects to obtain confessions or other information, to coerce bribes, or because of pressure from local politicians or landowners.<sup>482</sup>

The report further noted: “Several police officers who spoke to Human Rights Watch sought to justify the use of physical force as a necessary technique to obtain convictions. A station house officer said: ‘We have different techniques: we keep them awake for a couple of days, we slap them around, we use litter [strips of leather commonly used for beatings]. The technique depends on the situation. If the person is not a hardened criminal, he will begin speaking the truth if spoken to in a harsh tone or after a couple of slaps. If, however, he is a hardened criminal, we have to resort to other treatments’”.<sup>483</sup>

The Justice Project Pakistan (JPP) reported in November 2016 that: “Torture by police and other law enforcement agencies is endemic and systemic in Pakistan. Not only is it considered a part of everyday routine but its perpetrators enjoy a functional impunity due to a mix of socio-cultural acceptance, procedural loopholes, lack of oversight and Pakistan’s neglect in defining terms of torture. [...] Over 10,000 cases of torture in police custody were reported in Pakistan from 2000 to 2010. However, it is imperative to note that the real figure must be much higher as torture remains woefully under reported and under prosecuted”.<sup>484</sup>

The same report stated “Police often subject victims to multiple forms of abuse. Tactics include: severe beating, suspension, stretching and crushing, witnessing other people’s torture, solitary confinement, sleep deprivation, cultural humiliation, sexual violence, and light deprivation or exposure to extreme temperatures”.<sup>485</sup>

Amnesty International noted in its annual report on Pakistan for 2017 that “Reports continued that security forces were involved in human rights violations, including torture and other ill-treatment, arbitrary detention, extrajudicial executions and enforced disappearances. Impunity remained in the absence of independent, impartial mechanisms to investigate and bring perpetrators to justice”.<sup>486</sup>

The U.S. Department of State report for 2017 documented that “Physical abuse while in official custody allegedly caused the death of some criminal suspects. Lengthy trial delays and failure to

---

<sup>481</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 7

<sup>482</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 4

<sup>483</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 36

<sup>484</sup> Justice Project Pakistan, [JPP’s Torture Watch; Torture in Pakistan – A Primer](#), 8 November 2016

<sup>485</sup> Justice Project Pakistan, [JPP’s Torture Watch; Torture in Pakistan – A Primer](#), 8 November 2016

<sup>486</sup> Amnesty International (AI), [Amnesty International Report 2017/18 - The State of the World's Human Rights – Pakistan](#), 22 February 2018, *Police and security forces*

discipline and prosecute those responsible for killings contributed to a culture of impunity”.<sup>487</sup> The same source further noted that “There were reports police personnel employed cruel and degrading treatment and punishment. The Human Rights Commission of Pakistan reported that police committed “excesses” in at least 114 cases as of late December, compared with more than 147 cases in 2016. Multiple sources reported that torture occasionally resulted in death or serious injury and was often underreported”.<sup>488</sup>

A February 2017 report by the Asian Legal Resource Centre stated that “The State routinely indulges in torture and ill-treatment with complete impunity, although it is a signatory to UNCAT [United Nations Convention against Torture] and other international conventions. Despite torture and ill-treatment being extremely rampant, the State denies all involvement. It maintains the false stance that the victim is lying to absolve himself of criminal charges. The courts, especially the lower judiciary, are particularly susceptible in allowing erring officers of law enforcement agencies to go scot free, in cases of allegation of torture”.<sup>489</sup>

The same source further noted with that “Death in custody is a common occurrence inside a jail. Sindh Parliamentary Affairs Minister Nisar Ahmad Khuhro recently informed the Sindh assembly that as many as 104 prisoners have died in different Sindh jails in the past three years. The high number of deaths is attributed to natural causes. However, the fact remains that the inhuman conditions prevalent inside Pakistani jails is tantamount to torture, causing inmates to die in large numbers. Karachi Sindh Province Central Prison is notorious for the torture and ill-treatment of their inmates. In 2016, some forty Muttaida Qoumi Movement (MQM) workers were beaten up in the Central Prison in Karachi by para-military forces in order to extract ‘favorable’ statements from them”.<sup>490</sup>

In its Submission to the UN Committee against Torture dated March 2017 Human Rights Watch details the use of torture by security forces in Pakistan:

Human Rights Watch found that the Pakistani police frequently use torture and other ill-treatment against persons in custody, particularly during criminal investigations. Those from marginalized groups are at particular risk of police violence. Victims of police abuse reported long-lasting effects including physical pain or disability, and mental stress.

Human Rights Watch found evidence of beatings including with batons and *littars* (pieces of leather), stretching and crushing legs with *roola* (metal rods), sexual violence, prolonged sleep deprivation, and mental torture, including witnessing other people’s torture. There were many reported deaths in custody from torture.

Torture is typically used by Pakistani police to obtain confessions and other information from suspects, to extract bribes from those arbitrarily detained, or to mete out punishment based on an assumption of guilt. Police are seldom prosecuted for these violations.<sup>491</sup>

The Human Rights Commission of Pakistan, the World Organisation Against Torture and the Society for the Protection of the Rights of the Child noted in a joint shadow report to the Committee against Torture, published March 2017 that “The lack of effective accountability of state agencies is a crucial reason why torture is on the rise in Pakistan. Out-of-court settlements or compromises between

---

<sup>487</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1a

<sup>488</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1c

<sup>489</sup> Asian Legal Resource Centre, [Pakistan: Government betrays the pledges for criminalizing torture](#), 21 February 2017

<sup>490</sup> Asian Legal Resource Centre, [Pakistan: Government betrays the pledges for criminalizing torture](#), 21 February 2017

<sup>491</sup> Human Rights Watch, [HRW Submission to the Committee against Torture: Pakistan](#), March 2017, p. 1



victims and offenders i.e. public officials have a negative impact on how official action to hold the delinquent officers accountable proceeds. For instance, despite the fact that torture in police custody is a daily affair and several hundreds of cases are reported in the media every year from across Pakistan, few cases actually result in prosecution and related departmental accountability for misconduct as the information given below shows”.<sup>492</sup>

A June 2017 joint report submitted to the UN Human Rights Committee by the Justice Project Pakistan, the World Organisation Against Torture and Reprieve stated “Torture and Cruel, Inhuman or Degrading Treatment (CIDT), particularly at the hands of police and other security agencies, are endemic and widespread in Pakistan. A study conducted by JPP [Justice Project Pakistan] and Yale University on a sample of 1,867 medical legal certificates prepared by government-appointed District Standing Medical Board (DSMB) from the District of Faisalabad, revealed 1,424 allegations of police torture with physical evidence that were confirmed by independent medical professionals”.<sup>493</sup>

The UN Committee Against Torture noted in its Concluding observations on the initial report of Pakistan, published June 2017 that:

While noting with appreciation the State party’s rejection of torture and the efforts made to develop and strengthen mechanisms to implement its obligations under the Convention, the Committee is deeply concerned at consistent reports that the use of torture by the police with a view to obtaining confessions from persons in custody is widespread throughout the territory of the State party. While the State party indicated that disciplinary measures had been taken against more than 7,500 police officers in Punjab and Khyber Pakhtunkhwa provinces as punishment for involvement in torture, death in custody, misuse of official power, misbehaviour and illegal confinement, no information was provided to the Committee indicating that criminal proceedings had been initiated against any of the police officers concerned. The Committee notes that, during the dialogue, the State party provided information on 13 cases in which prosecutors had brought charges against members of the police, including cases of alleged extrajudicial killing and torture. However, no indication was given of whether any of the cases has yet resulted in criminal penalties (arts. 2, 12 and 16).<sup>494</sup>

The same source also documented the impunity for perpetrators of torture:

The Committee regrets that police officers reportedly frequently threaten or are not responsive to persons who seek to register First Information Reports alleging official misconduct; that officers are charged with investigating allegations of torture committed by their colleagues and that the Federal Investigation Agency is not sufficiently independent to ensure that criminal cases against police officers are effectively pursued; that the oversight bodies contemplated by the State party’s legislation are not operational or effective in practice; and that, although medical doctors have documented evidence of torture in many cases, the authorities are reluctant to take action on the basis of that information (arts. 2, 11- 13 and 15). [...]

The Committee is deeply concerned at reports that members of the State party’s military forces, intelligence forces, such as the Inter-Services Intelligence agency, and paramilitary forces, such as the Frontier Corps and the Pakistan Rangers, have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances. The Committee is also concerned about the possibility provided in the State party’s laws for retroactive immunity for acts of torture committed by members of the military and paramilitary forces after the February 2008 events,

---

<sup>492</sup> Human Rights Commission of Pakistan; World Organisation Against Torture; Society for the Protection of the Rights of the Child (Author), published by the UN Committee Against Torture, [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p. 8

<sup>493</sup> Justice Project Pakistan; World Organisation Against Torture; Reprieve (Author), published by UN Human Rights Committee, Pakistan, [Alternative Report to the Human Rights Committee](#), June 2017, paragraph 4

<sup>494</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Principal subjects of concern and recommendations*, paragraph 6

under provisions of the Actions (in Aid of Civil Power) Regulation of 2011 and the 2015 amendment to the Army Act, which grants all personnel associated with military courts complete retrospective immunity from prosecution for actions taken in “good faith”. The Committee is further concerned by the exclusive jurisdiction of the military justice system over soldiers accused of offences against civilians.<sup>495</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned that the domestic legislation fails to provide a definition of torture and to criminalize the practice in compliance with article 7 of the Covenant and other international standards; that torture is allegedly widely employed by the police, military and security forces and intelligence agencies; and that allegations of torture are not promptly and thoroughly investigated and perpetrators are rarely brought to justice (arts. 2, 7, 14 and 15).<sup>496</sup>

A joint report by the International Federation for Human Rights (FIDH) and Human Rights Commission of Pakistan (HRCP) dated October 2017 noted that “Many executions in Pakistan are the result of unfair proceedings marred by inconclusive evidence and allegations of torture to extort confessions. This is particularly the case for the military and anti-terrorism courts”.<sup>497</sup>

In a November 2017 joint statement submitted to the Working Group on the Universal Periodic Review, the World Organisation Against Torture, the Justice Project Pakistan, Reprieve and the World Coalition against the Death Penalty stated that “Torture and ill-treatment at the hands of the police and other security agencies is endemic and widespread. More than 6 years after Pakistan ratified the ICCPR [International Covenant on Civil and Political Rights] and CAT [Convention against Torture], not only is torture still accepted as an inevitable part of law enforcement, but perpetrators of torture are granted virtual impunity. To date, Pakistan does not have a law, which criminalises torture”.<sup>498</sup>

The same source further noted that “The fact that the Pakistani police have traditionally been used by the state to suppress dissent and tame opposition has contributed to an institutional culture in which torture and abuse of power are pervasive and tolerated. Pakistan does not have any independent state-sponsored mechanism for investigating or documenting allegations of torture. Torture at the hands of the police is also used as an instrument for collecting evidence; such practices are widespread and rarely punished. The violence takes many forms including beatings, hanging of victims by their arms or feet for hours and other cruel, inhuman and degrading treatment damaging their basic human dignity”.<sup>499</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan (HRCP) noted with regards to torture in prisons that “According to the HRCP media monitoring in 2017, a total of 47 cases

---

<sup>495</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Principal subjects of concern and recommendations*, paragraphs 8 and 10

<sup>496</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 25

<sup>497</sup> Human Rights Commission of Pakistan (Author), published by the International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 3 and 4

<sup>498</sup> The World Organisation Against Torture, the Justice Project Pakistan, Reprieve and the World Coalition against the Death Penalty, [Joint Statement submitted to the Working Group on the Universal Periodic Review](#), November 2017, paragraph 35

<sup>499</sup> The World Organisation Against Torture, the Justice Project Pakistan, Reprieve and the World Coalition against the Death Penalty, [Joint Statement submitted to the Working Group on the Universal Periodic Review](#), November 2017, paragraph 37

of violence and torture occurred in Pakistani jails, in which 32 men lost their lives, and one woman and 21 men were tortured”.<sup>500</sup>

### 5.3.3 Enforced disappearances

An August 2017 International Commission of Jurists report provides an overview of the legal framework regarding enforced disappearances:

Enforced disappearance is not recognized as a distinct crime in Pakistan. On the rare occasion that police register criminal complaints in such cases, they do so for the crimes of “abduction” or “kidnapping”. Sections 359 to 368 of the Pakistan Penal Code relate to the crimes of “kidnapping” and “abduction”. The crime of kidnapping is of two kinds: kidnapping from Pakistan and kidnapping from lawful guardianship, and is punishable with a maximum of seven years imprisonment and a fine. The crime of “abduction” is regulated by section 362 of the Penal Code and is defined as “whoever by force compels, or by any deceitful means induces, any person to go from any place.” Section 364 prescribes a punishment of ten years imprisonment for the crime of “kidnapping or abducting in order to murder”. Section 365 relates to kidnapping or abducting “any person with intent to cause that person to be secretly and wrongfully confined” and prescribes a punishment of a maximum of seven years imprisonment. Police also register complaints of enforced disappearances under section 346 of the Penal Code that relates to “wrongful confinement in secret”, and prescribes a penalty of two years imprisonment. When registering a complaint under these provisions for alleged enforced disappearances, police often refuse to identify members of the security or intelligence forces as the alleged perpetrators. In most cases, such complaints are filed against “unknown persons”.<sup>501</sup>

Amnesty International reported in July 2017 on the adoption of new legislation concerning enforced disappearances stating that it “welcomes the proposed Right to Information Bill, adopted by a Senate Select Committee in February 2017, which obligates all state institutions to provide information about missing persons within three days of a request for information being filed”.<sup>502</sup>

The US Department of State annual report on Pakistan covering 2016 stated that “There were kidnappings and forced disappearances of persons from various backgrounds in nearly all areas of the country. Some police and security forces reportedly held prisoners incommunicado and refused to disclose their location. Human rights organizations reported many Sindhi and Baloch nationalists as among the missing”.<sup>503</sup>

Freedom House stated in its annual report on political rights and civil liberties in 2016 that “The military and the intelligence services enjoy impunity for indiscriminate use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses are common. Terrorism suspects, Balochi and Sindhi nationalists, journalists, researchers, and social workers have all been victims of alleged disappearance”.<sup>504</sup>

---

<sup>500</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Torture in prisons* p.63

<sup>501</sup> International Commission of Jurists (ICJ), [No More "Missing Persons": The Criminalization of Enforced Disappearance in South Asia](#), August 2017, p. 26

<sup>502</sup> Amnesty International, [Pakistan: Widespread human rights violations continue: Amnesty International Submission for the UN Universal Periodic Review, 28th Session of the UPR Working Group, November 2017 \[ASA 33/6513/2017\]](#), 10 July 2017, p. 6

<sup>503</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, *Section 1. b. Disappearance*

<sup>504</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, *Rule of Law*

An Asian Human Rights Commission December 2016 stated that “The Asian Human Rights Commission is concerned about the increasing trend in enforced disappearances in the province of Sindh. The Pakistan Supreme Court has declared enforced disappearances unconstitutional and a blatant violation of the fundamental right to life. Yet the state and intelligence agencies continue the practice unabated. The trend increases each year and shows no signs of letting up. Nationalist parties and their political workers are particularly targeted. Many activists have disappeared or been killed since the start of the military operation Zarb e Azb in Pakistan”.<sup>505</sup>

In a January 2018 report the International Commission of Jurists provided an overview of enforced disappearances in Pakistan in 2017:

Pakistan’s Supreme Court has, in multiple judgments, acknowledged the role of security and intelligence agencies in enforced disappearances and secret detentions, holding that the practice constitutes a violation of the “fundamental rights” recognized by the Constitution of Pakistan as well as international human rights law.

The State Commission of Inquiry on Enforced Disappearances has more than 1500 unresolved cases of enforced disappearances as of January 2018.

In 2017 alone, the Commission received 868 reports of alleged enforced disappearances – one of the highest since the Commission’s establishment in 2011. The UN Working Group on Enforced or Involuntary Disappearances also has more than 700 pending cases from Pakistan.

“Despite hundreds, if not thousands, of cases of enforced disappearance reported from across Pakistan, not a single perpetrator of the crime has been brought to justice,” added Rawski [ICJ’s Asia Director]. “Not only does this impunity deny truth and justice to victims of the crime, it is also eroding the rule of law and emboldening perpetrators of human rights violations.”<sup>506</sup>

In its annual report on Pakistan covering 2017 Human Rights Watch noted with regards to enforced disappearances that “In 2017, the practice of enforced disappearances targeting suspected militants—previously restricted to the conflict areas of Balochistan, Federally Administered Tribal Areas (FATA), and Khyber Pakhtunkhwa—became a nationwide policy with the targeting of bloggers and activists all over Pakistan”.<sup>507</sup>

The U.S. Department of State report for 2017 documented that “There were kidnappings and forced disappearances of persons from various backgrounds in nearly all areas of the country. Some police and security forces reportedly held prisoners incommunicado and refused to disclose their location. [...] Human rights organizations reported many Sindhi and Baloch nationalists had disappeared. Nationalist parties in Sindh also alleged that law enforcement agencies kidnapped and killed Sindhi political activists”.<sup>508</sup>

The Heidelberg Conflict Barometer for 2017 recorded that:

The year 2017 witnessed a widening sphere of enforced disappearances in Pakistan. In the first week of January, five social media activists were reported missing from the capital Islamabad and parts of Punjab province. Waqas Goraya and Asim Saeed, both IT professionals and residents of the Netherlands and Singapore respectively, were abducted from Lahore on January 4 during a family visit in Pakistan. On January 6, Salman Haider, a university professor and poet known for his outspoken views on enforced disappearances, went missing while traveling in his car on the Islamabad express- way.

<sup>505</sup> Asian Human Rights Commission, [Pakistan: Disappearances and extra judicial killings of Sindhi nationalists continue](#), 13 December 2016

<sup>506</sup> International Commission of Jurists, [Pakistan: widespread practice of enforced disappearance must be addressed](#), 9 January 2018

<sup>507</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Terrorism and Counterterrorism*

<sup>508</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 1b*

Goraya, Saeed, and Haider ran various online campaigns critical of the role of military and extremist religious groups. Ahmed Raza Naseer was abducted from his family's shop in a city near Lahore on January 7. The fifth activist Samar Abbas, resident of Karachi, went missing in Islamabad.

Although enforced disappearances are a common phenomenon in Pakistan, before these cases it had been mostly restricted to the troubled province of Balochistan and to the cases of religious militants. The disappearance of the five activists sparked protests in major cities across the country as well as abroad. As the campaign for the recovery of the activists gained momentum, various counter-campaigns were launched on social media as well as mainstream electronic media accusing the missing activists of blasphemy. Amnesty International reported that four of the activists returned to their homes between January 27 and 29 and that two of the activists said that they had been threatened, intimidated and tortured by people they believed to belong to military intelligence. On December 22, the Federal Investigation Agency (FIA) told the Islamabad High Court it could find no evidence against the five activists, hence absolving them of any blasphemy charges.

On December 2, Raza Mahmood Khan, a peace activist from Lahore, was reported missing after he had attended a critical talk on the army's role in ending the protests staged by TLV in Islamabad. [...]

According to the latest data by the government instituted Commission of Inquiry on Enforced Disappearances, 1,532 persons are still missing from different parts of the country at the end of 2017: 867 from Khyber-Pakhtunkhwa, 270 from Punjab, 138 from Sindh, 125 from Balochistan, 61 from the FATA, 50 from Islamabad Capital Territory, 16 from Azad Jammu & Kashmir and five from Gilgit-Baltistan. Through- out the year, the commission received 868 new cases of missing persons, while it disposed of 555 pending cases. Baloch activists claim that the number of missing persons from Balochistan lies between 12,000 and 14,000. Human rights organizations continued to demand the release of missing persons, fair trials for those accused of crime and that those responsible for enforced disappearances must be held to account.<sup>509</sup>

The UN Committee Against Torture noted in its Concluding observations on the initial report of Pakistan, published June 2017 that “The Committee is deeply concerned at reports that members of the State party’s military forces, intelligence forces, such as the Inter-Services Intelligence agency, and paramilitary forces, such as the Frontier Corps and the Pakistan Rangers, have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances”.<sup>510</sup> The same source further noted:

The Committee welcomes the State party’s cooperation with the Working Group on Enforced or Involuntary Disappearances, including receiving a visit in 2012. However, the Committee is concerned that enforced disappearance is not criminalized as a distinct offence in the State party. It is also concerned that hundreds of enforced disappearances have been reported in recent years in the State party and that the State party’s authorities have not taken adequate steps to investigate the reports and identify those responsible. The Committee is further concerned by reports that the national Commission of Inquiry on Enforced Disappearances is not sufficiently independent and lacks the resources to carry out its mandate. The Committee regrets that the work of the Commission has not yet resulted in any criminal prosecutions in cases of enforced disappearance (arts. 2, 12, 14 and 16).<sup>511</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

---

<sup>509</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Struggling Democratic Process in Pakistan*, p. 33

<sup>510</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Impunity for acts of torture by military and paramilitary forces and intelligence agencies*, paragraph 10

<sup>511</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Impunity for acts of torture by military and paramilitary forces and intelligence agencies*, paragraph 24

The Committee is concerned by the high incidence of enforced disappearances and extrajudicial killings allegedly perpetrated by the police and military and security forces; the absence of explicit criminalization of enforced disappearances in domestic law; the Actions (in Aid of Civil Power) Regulation, 2011, which provides for detention by the army without warrants or judicial supervision and indefinite detention in military internment centres, and the allegedly high number of persons held in secret detention under the Regulation. It is also concerned by reports that the families of disappeared persons are subjected to threats and intimidation to discourage them from filing cases of enforced disappearance; by the lack of prompt and effective investigation and the very low rate of prosecution and conviction of perpetrators; and by the inadequate remedies and reparation provided for victims and their families. While welcoming the establishment of the Commission of Inquiry on Enforced Disappearances, the Committee remains concerned by the insufficient power and resources allocated to the Commission; the non-compliance with the Commission's orders by the relevant authorities; and the high number of cases brought before the Commission that remain unresolved, with no criminal proceedings brought against perpetrators (arts. 2, 6, 7, 9, 14 and 16).<sup>512</sup>

Human Rights Watch stated in an October 2017 report that "Despite hundreds, if not thousands, of cases of enforced disappearance reported from across Pakistan, not a single perpetrator of the crime has been brought to justice. The UN Working Group on Enforced or Involuntary Disappearances has noted there is "a climate of impunity in Pakistan with regard to enforced disappearances, and the authorities are not sufficiently dedicated to investigate cases of enforced disappearance and hold the perpetrators accountable".<sup>513</sup>

A joint report by the International Federation for Human Rights (FIDH) and the Human Rights Commission of Pakistan (HRCP) dated October 2017 described the situation regarding enforced disappearances in Pakistan:

In 2017, Pakistan has recorded extremely high levels of enforced disappearances by or with the acquiescence of state agents. According to statistics gathered by the United Nations Working Group of Enforced or Involuntary Disappearances (WGEID), during the period May 2016 - May 2017, Pakistan recorded 220 new cases of enforced disappearances. As of May 2017, there were 723 unresolved cases of enforced disappearances.

[...] Investigation of enforced disappearances, and associated torture and killings, is either non-existent or ineffective. To date, there has not been any successful prosecution of any member of the Pakistani security forces for enforced disappearances. Families of victims have been denied compensation and have been routinely threatened and intimidated when they attempt to seek justice. In August 2017, 58 year-old Punhal Sario, the head of the organization Voice for Missing Persons of Sindh, disappeared. His abduction was followed by the disappearance of at least three other persons. While the three persons involved in the subsequent abductions have resurfaced, the fate and whereabouts of Punhal Sario remains unknown. The impunity for enforced disappearances and resulting lack of redress is further contrary to the International Covenant on Civil and Political Rights (ICCPR).<sup>514</sup>

The United Nations Working Group of Enforced or Involuntary Disappearances stated in a November 2017 report that:

The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Pakistan. According to sources, the widespread practice of enforced disappearances has been ongoing, and the number of cases is alarmingly increasing in Sindh in recent years. The sources

---

<sup>512</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 19

<sup>513</sup> Human Rights Watch, [Pakistan: Election to UN Rights Body Spotlights Failings](#), 18 October 2017

<sup>514</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 1 and 2



inform that, since 2010, 1,200 cases of enforced disappearances have been reported in Sindh. Furthermore, since February 2017, over 160 people have disappeared. However, no criminal charge has been registered against anyone, while the fates or whereabouts of the disappeared are still unknown. According to sources, those taken away are men of all ages, mainly political and human rights activists in Sindh.<sup>515</sup>

Amnesty International reported in November 2017 that “Once confined to the restive territories of Khyber Pakhtunkhwa, the Federally Administered Tribal Areas and Baluchistan, enforced disappearances have spread to other parts of the country, including urban centres and major cities. In early January 2017, five human rights defenders were abducted from the capital Islamabad and parts of Punjab province. Four of the defenders returned to their homes between 27 and 29 January. Two of the defenders have since said that they were threatened, intimidated and tortured by people they believed to belong to military intelligence”.<sup>516</sup>

The United Nations Working Group of Enforced or Involuntary Disappearances similarly stated in a November 2017 report that “According to sources, enforced disappearances are taking place not only in Balochistan, FATA (The Federally Administered Tribal Areas), Khyber Pakhtunkhwa, and urban Sindh, but also in Punjab province and the capital Islamabad in Pakistan”.<sup>517</sup>

Human Rights Watch noted in a November 2017 report on Pakistan’s response to enforced disappearances that:

A previous Commission of Inquiry on Enforced Disappearances, set up in March 2011 for six months, was recently extended to September 2017. During Pakistan’s latest Universal Periodic Review, where UN member countries weigh in on each other’s human rights records, Pakistan said that after examining of 2,416 disappearances that happened between March 2011 to November 2016, the commission traced 1,798 of the people to either being at home or detained on criminal or terrorism charges. The remaining 618 cases were closed.

Still, the government has not held anyone responsible for disappearances accountable. Nor have new cases of disappearances declined. The commission received nearly 300 complaints of enforced disappearances from August to October 2017, one of the largest number of cases received in any three-month period since 2011.<sup>518</sup>

The United Nations Working Group of Enforced or Involuntary Disappearances stated in a November 2017 report on the role of security agencies in enforced disappearances “The sources claim that the security agencies are involved in the abductions, and that families of disappeared persons and human rights defenders including lawyers who work on issues related to enforced disappearance are subject to threats, reprisals and harassment by State agencies”.<sup>519</sup>

Amnesty International reported in December 2017 that “Pakistan’s Commission on Inquiry on Enforced Disappearances received nearly 300 cases of alleged enforced disappearances from August to October 2017, by far the largest number in a three-month period in recent years. Over the past two

---

<sup>515</sup> UN Human Rights Council Working Group of Enforced or Involuntary Disappearances, [Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances](#), 24 November 2017, paragraph 38 and 39

<sup>516</sup> Amnesty International, [Pakistan: End enforced disappearances now](#), 6 November 2017

<sup>517</sup> UN Human Rights Council Working Group of Enforced or Involuntary Disappearances, [Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances](#), 24 November 2017, paragraph 40

<sup>518</sup> Human Rights Watch, [Pakistani Senator Works to End Enforced Disappearances](#), 16 November 2017

<sup>519</sup> UN Human Rights Council Working Group of Enforced or Involuntary Disappearances, [Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances](#), 24 November 2017, paragraph 40

months, Amnesty International has received credible reports of an alarming number of disappearances of Baluch students and activists”.<sup>520</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan noted that “The practice of enforced disappearances targeting suspected militants had previously been restricted to the conflict areas of Balochistan, the Federally Administered Tribal Areas (FATA), and Khyber Pakhtunkhwa. In 2017, disappearances became a nationwide issue with the targeting of bloggers, activists, journalists and others all over Pakistan”.<sup>521</sup> The same source further recorded that:

The autonomy, independence and financial resources needed for the Commission of Inquiry on Enforced Disappearances (COIED) in order to achieve its mandate remained a key challenge for the Pakistani government. In 2017, the Commission failed to initiate criminal proceedings against any of the perpetrators involved in enforced disappearances and the number of pending cases was very high. According to the Commission, it inherited 136 cases at the time of its inception. Since then it had received 4,608 cases of disappeared people, of which 3,076 cases had been disposed of, and 1,532 cases were still pending, with 867 from the KP province alone. The Commission had traced 2,306 missing persons. The sub judice cases in the High Court(s) and the Supreme Court of Pakistan were not included in this figure. The Commission received 868 cases in 2017, and disposed of 555.<sup>522</sup>

### 5.3.4 Unlawful use of violence and harassment

Human Rights Watch reported in a September 2016 report that “There are numerous reported cases of police extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces”.<sup>523</sup>

The same report noted that “Many victims of crime, particularly those that are poor or belong to vulnerable groups such as women and ethnic or religious minorities, are reluctant to approach police stations because of police harassment or financial constraints. Women of lower socioeconomic status particularly fear going to police stations where they are likely to experience “hurt and psychological trauma””.<sup>524</sup>

In September 2016, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated in a follow-up report “The Working Group remains concerned about reported cases of threats, reprisals and harassment against families of disappeared persons and human rights defenders including lawyers who work on issues related to enforced disappearance”.<sup>525</sup>

The US Department of State annual report on Pakistan covering 2016 stated that “Security forces, political parties, militants, and other groups subjected media outlets, journalists, and their families to violence and harassment. Female journalists in particular faced threats of sexual violence and harassment, including via social media”.<sup>526</sup>

---

<sup>520</sup> Amnesty International, [Urgent Action: 269/17 \[ASA 33/7573/2017\]](#), 7 December 2017

<sup>521</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Law and Order* p.41

<sup>522</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Enforced Disappearances* p. 66

<sup>523</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 1

<sup>524</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 21

<sup>525</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances, Addendum: Follow-up report to the recommendations made by the Working Group: Missions to Congo and Pakistan](#), 13 September 2016, paragraph 26

<sup>526</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 2. a. Freedom of Speech and Press

Freedom House noted in its annual report on Pakistan covering 2016 that “Pakistan has a vibrant media sector that presents a range of news and opinions and hosts lively debates on current affairs. However, there is a history of violence and intimidation selectively directed against media figures by both intelligence agencies and violent extremist groups, and the Committee to Protect Journalists (CPJ) documented two journalists’ murders in 2016. The perpetrators of such violence enjoy impunity”.<sup>527</sup>

The US Department of State reported in its annual report on religious freedom in Pakistan that “According to Ahmadiyya Muslim Community leaders, authorities continued to target and harass Ahmadi Muslims for blasphemy, violations of “anti-Ahmadi laws,” and other crimes”.<sup>528</sup>

Front Line Defenders reported in its Submission to the Universal Periodic Review on Pakistan, published March 2017 that “HRDs [Human Rights Defenders] are the target of persistent harassment, which can take many forms and be perpetrated by different actors. HRDs have reported numerous instances of close monitoring and surveillance as well as online harassment. There are also reports of security officials cancelling events organised by civil society and of HRDs being prevented from attending such events”.<sup>529</sup>

#### 5.4 Arbitrary detention and prison conditions

For information of the treatment of child prisoners, see [8.2.1. Juvenile executions](#).

Human Rights Watch indicated in its September 2016 report on police abuse that “Discussions with NGOs and accounts from many former detainees indicate that police routinely abuse their powers, and arbitrarily arrest and detain people”.<sup>530</sup>

The same source further stated that: “Pakistani police also use their extensive powers of registration of cases, arrest, and detention at the behest of powerful societal elites (the wealthy, politicians, landowners, and civil and military bureaucracy) to bring false charges against perceived opponents as a form of intimidation or punishment. Many are arbitrarily arrested. [...] Some family members said that police threatened to lodge false cases against them if they continued to pursue complaints of police abuse”.<sup>531</sup>

In September 2016, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated “The Working Group is concerned at the information that there are persons who are detained in unofficial detention centers with no contact with their families and lawyers”.<sup>532</sup>

Amnesty International stated in its annual report on Pakistan covering 2016 that “Security forces including the Rangers, a paramilitary force under the command of the Pakistan Army, perpetrated

---

<sup>527</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, Rule of Law

<sup>528</sup> US Department of State, [2016 Report on International Religious Freedom - Pakistan](#), 15 August 2017, Government Practices

<sup>529</sup> Front Line Defenders, [Submission to the 28th Session of the Universal Period Review, November 2017](#), 30 March 2017, paragraph 17

<sup>530</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 32

<sup>531</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 3

<sup>532</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances, Addendum: Follow-up report to the recommendations made by the Working Group: Missions to Congo and Pakistan](#), 13 September 2016, paragraph 27

human rights violations such as arbitrary arrests, torture and other ill-treatment, and extrajudicial executions".<sup>533</sup>

The Human Rights Commission of Pakistan noted in its annual report covering 2016 that "Pakistani prisons had 84,315 prisoners. Punjab jails held 49,603 prisoners against a capacity of 23,617, Sindh 20,308 against 12,245 and Khyber Pakhtunkhwa 11,200 against 7,547".<sup>534</sup>

With regards to prison conditions the US Department of State report on Pakistan covering 2016 stated that "Conditions in some prisons and detention centers were harsh and life threatening. Problems such as overcrowding and inadequate medical care were widespread".<sup>535</sup>

The same source further details the physical conditions in prison and detention centers in Pakistan:

Prison conditions often were extremely poor. Overcrowding was common. SHARP [Society for Human Rights and Prisoners' Aid] estimated the nationwide prison population at 100,000 while claiming that the normal capacity of prisons was approximately 36,000.

Provincial governments were the primary managers of prisons and detention centers, after those run by the national government and the military.

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.<sup>536</sup>

A September 2016 Justice Project report noted with regards to prison conditions for persons sentenced to capital punishment that:

Pakistan Conditions on death row echo the systemic failures of the criminal justice system: overcrowded cells result from an oversized death row population, many of whom are sentenced for "less serious crimes," and prisoners are provided inadequate medical care, sometimes resulting in the deterioration of prisoners' mental and physical health. Similarly, confinement of juveniles and mentally ill persons on death row is proof of past and enduring transgressions of international law. These two groups are also more vulnerable to severe mental trauma that may result from confinement on death row, giving rise to further violations of international law. Finally, prisoners experience mental distress when Pakistan responds in ad hoc fashion to international condemnation of its execution practices, with many prisoners receiving a large number of black warrants before the stay of their executions. These experiences of prisoners on death row are a testament to the need for a comprehensive and urgent response from the international community.<sup>537</sup>

The Nation reported in a December 2016 article on the conclusions of Pakistan's Prison Reform Committee report on prison conditions stating that "Jahangir [Asma Jahangir, representative of the Prison Reform Committee] also drew the attention of the bench towards overcrowding prisons and appealed that mentally challenged prisoners may be kept in rehabilitation centres rather than in jails.

---

<sup>533</sup> Amnesty International, [Amnesty International Report 2016/17 - The State of the World's Human Rights - Pakistan](#), 22 February 2017, *Police and security forces*, p. 284

<sup>534</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 4

<sup>535</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, *Section 1. Prison and Detention Center Conditions*

<sup>536</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, *Section 1. Prison and Detention Center Conditions*

<sup>537</sup> Justice Project Pakistan, [A "Most Serious Crime": Pakistan's Unlawful Use of Death Penalty](#), September 2016, p. 35

On the conclusion of the hearing, the federal ombudsman office expressed the resolve to continue with the efforts to bring about reforms in jails”.<sup>538</sup>

A February 2017 report by the Asian Legal Resource Centre stated that “Death in custody is a common occurrence inside a jail. Sindh Parliamentary Affairs Minister Nisar Ahmad Khuhro recently informed the Sindh assembly that as many as 104 prisoners have died in different Sindh jails in the past three years. The high number of deaths is attributed to natural causes. However, the fact remains that the inhuman conditions prevalent inside Pakistani jails is tantamount to torture, causing inmates to die in large numbers. Karachi Sindh Province Central Prison is notorious for the torture and ill-treatment of their inmates. In 2016, some forty Muttaida Qoumi Movement (MQM) workers were beaten up in the Central Prison in Karachi by para-military forces in order to extract ‘favorable’ statements from them”.<sup>539</sup>

A March 2017 joint report by the Human Rights Commission of Pakistan, World Organisation against Torture and the Society for the Protection of the Rights of the Child described the prison conditions in Pakistan stating that “Prisons in Pakistan are overcrowded amounting to torture or cruel, inhuman or degrading treatment or punishment. The International Crisis Group found the living conditions ‘abysmal’. This is a problem which has been acknowledged in official reports, for instance, by the Federal Ombudsman of Pakistan (FOP) and the Law and Justice Commission of Pakistan (LJCP). Overcrowding is both the result of the policy to detain under-trial prisoners and prescription imprisonment as an effective punishment for offenders. The aforementioned report of the LJCP further acknowledges that overcrowding did not allow separation of prisoners according to the status of their cases”.<sup>540</sup>

The same source further details the situation of prisoners with disabilities: “A majority of mentally ill prisoners go undiagnosed throughout the period of detention and trials and are even awarded harsh punishments for crimes they may, or may not have, committed while they were mentally unwell. The issue of ill-treatment was recently highlighted as a result of a controversial decision rendered by the former chief justice who did not exempt a detainee with schizophrenia, Imdad Ali, from the death sentence. This decision has since then been reviewed and reversed”.<sup>541</sup>

The same report further detailed that “Detainees are regularly reported to die due to poor food and inadequate medication and other related circumstances including inadequate clothing in harsh weather, or lack of immediate access to doctors or medical treatment. Deaths of seven prisoners were reported in Pakistan’s province of Sindh between December 2016 and January 2017 when the province experienced a cold wave as prison authorities noted themselves. This indicates that the prisoners were either not given appropriate clothing or food as required under relevant rules, or did not receive proper medication”.<sup>542</sup>

---

<sup>538</sup> The Nation, [Ombudsman’s report calls for extensive jail reforms](#), 14 December 2016

<sup>539</sup> Asian Legal Resource Centre, [Pakistan: Government betrays the pledges for criminalizing torture](#), 21 February 2017

<sup>540</sup> Human Rights Commission of Pakistan; World Organisation Against Torture; Society for the Protection of the Rights of the Child (Author), published by UN Committee Against Torture, [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p. 11

<sup>541</sup> Human Rights Commission of Pakistan; World Organisation Against Torture; Society for the Protection of the Rights of the Child (Author), published by UN Committee Against Torture, [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p. 12

<sup>542</sup> Human Rights Commission of Pakistan; World Organisation Against Torture; Society for the Protection of the Rights of the Child (Author), published by UN Committee Against Torture, [Shadow Report to the Committee](#)

The UN Committee Against Torture stated in its concluding observations on the initial report of Pakistan, dated June 2017 on the implementation of legal safeguards for persons in detention:

While noting that the State party's legislation guarantees legal safeguards such as prompt access to a lawyer, family access and the requirement that all arrested persons must be presented to a magistrate within 24 hours of detention, the Committee is concerned about reports that those safeguards are not respected in practice. The Committee is also concerned by the lack of effective implementation of the right to request and receive an independent medical examination promptly upon deprivation of liberty, and that not all detentions are recorded promptly in a comprehensive central detention register that is accurate and accessible to detainees' family members (art. 2).<sup>543</sup>

The same source described the main concerns regarding conditions of detention in Pakistan:

The Committee is deeply concerned about reports that cases of death in custody as a result of torture and allegations of sexual abuse of minors by prisoners and prison staff have not been subject to effective investigation and the perpetrators of such acts have not been punished. The Committee is also concerned at reports that severe overcrowding and extremely poor conditions are pervasive in places of detention in the State party, including unsanitary facilities and insufficient access to medical services. It is further concerned at reports that 70 per cent of the prison population consists of pretrial detainees and that juvenile prisoners are kept together with adults. The Committee is concerned that, despite a declaration by the High Court that the use of fetters is unconstitutional, fettering is reportedly still common in certain areas of Pakistan. The Committee is deeply concerned that individuals imprisoned on charges of blasphemy are frequently placed in solitary confinement for extended periods of time, as is reportedly the case of Junaid Hafeez, who has been held in solitary confinement since May 2014 (arts. 11 and 16).<sup>544</sup>

The same source further stated that "The Committee is concerned by the high level of overcrowding and reportedly inadequate conditions of detention in prison and at the high proportion of persons held on remand, some of whom reportedly were in pretrial detention for periods longer than the maximum sentence for the crime (arts. 6, 7, 9, 10)".<sup>545</sup>

Amnesty International recorded in its Submission for the UN Universal Periodic Review, dated July 2017 that "Human rights groups have documented cases of arbitrary arrest and detention, torture and other ill-treatment by paramilitary forces, the Rangers and the Frontier Constabulary, in Karachi and Balochistan, respectively".<sup>546</sup>

The U.S. Department of State report for 2017 documented that "There were reports police arbitrarily detained individuals to extort bribes for their release or detained relatives of wanted individuals to compel suspects to surrender".<sup>547</sup> With regards to pre-trial detention the same source noted that:

---

[against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p. 13

<sup>543</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Fundamental legal safeguards*, paragraph 16

<sup>544</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Conditions of detention*, paragraph 28

<sup>545</sup> UN Human Rights Committee, [Concluding observations on the initial report of Pakistan \[CCPR/C/PAK/CO/1\]](#), 23 August 2017, *Deprivation of liberty*, paragraph 27

<sup>546</sup> Amnesty International, [Pakistan: Widespread human rights violations continue: Amnesty International Submission for the UN Universal Periodic Review, 28th Session of the UPR Working Group, November 2017 \[ASA 33/6513/2017\]](#), 10 July 2017, p. 8

<sup>547</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 1 d. Arbitrary Arrest or Detention*



Police sometimes held persons in investigative detention without seeking a magistrate's approval and often held detainees without charge until a court challenged the detention. Magistrates generally approved investigative detention at the request of police without requiring justification. When police did not develop sufficient evidence to try a suspect within the 14-day period, they generally requested that magistrates issue new FIRs, thereby further extending the suspect's detention.

By law detainees must be brought to trial within 30 days of arrest. There were exceptions: a district coordination officer has authority to recommend preventive detention on the grounds of "maintenance of public order" for up to 90 days and may--with approval of the Home Department--extend it for an additional 90 days.

In some cases trials did not start until six months after a FIR, and at times individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. SHARP estimated that more than 70 percent of the prison population was awaiting trial. Authorities seldom informed detainees promptly of charges against them.<sup>548</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned by the high level of overcrowding and reportedly inadequate conditions of detention in prison and at the high proportion of persons held on remand, some of whom reportedly were in pretrial detention for periods longer than the maximum sentence for the crime (arts. 6, 7, 9, 10).<sup>549</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan (HRCP) noted that "Security in the jails, overcrowding, and health and hygiene conditions continued to challenge the prisons departments in Pakistan in 2017".<sup>550</sup> The same source further noted that:

In March, it was reported that prisoners at the Kasur District Jail were forced to drink contaminated water due to a delay in the installation of a water filtration plant.

The HRCP fact-finding team, following visits to the Sindh prisons, reported that there was a shortage of vehicles to transport prisoners to the courts on their hearing dates. It was claimed that prisoners have to bribe the police to take them to the courts for their hearing.

Dispensaries were found to be deficient in certain important facilities, including x-ray machines and essential medicines. Irrespective of the emergency, prisoner patients were forced to wait for at least a week for their treatment, after obtaining permission from the IG Prisons. There was no quick mechanism for treating a patient in an emergency, including pregnant women. Many prisoners were drug addicts with no rehabilitation facility available in the Sindh prisons.

According to the report of the HRCP fact-finding team that visited Central Jail Mach in Balochistan during 2017, the prison's hospital was lacking basic health facilities, where the x-ray machine was out of order and there was no facility for HIV/AIDS and hepatitis testing at the hospital. It was found that the last blood screening had been conducted in 2010. Cases of tuberculosis were also reported in the jail and two TB patients were admitted in the hospital during the HRCP visit.

There was a lack of psychotherapy for prisoner patients, while the senior doctor had visited the prison's hospital only twice in the year. There were no special arrangements for drug addict prisoners. The food quality and quantity was inadequate and most of the prisoners were making their own arrangements for food. [...]

Punjab jails were the most overcrowded, followed by Sindh, then Khyber Pakhtunkhwa and Balochistan. In September, the Supreme Court was informed that the Punjab government was considering the development of three new prisons in the province during the current financial year to reduce overcrowding of jails. In addition, two new prisons in Lahore and Rawalpindi with a capacity of 4,000

---

<sup>548</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 1 d. Arbitrary Arrest or Detention*

<sup>549</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, *paragraph 27*

<sup>550</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Jails p.58*

inmates had been designed to reduce overcrowding and improve the living conditions of prisoners. According to the report of the Inspector General of Prisons Punjab, the existing capacity of 40 prisons in the Punjab was stated to be around 30,330 inmates as opposed to the number of inmates of 47,674 [...].

In March 2017, the Khyber Pakhtunkhwa Home and Tribal Affairs Department report revealed that the total number of prisoners in jails across the province exceeded capacity by 47 percent. According to the report, KP prisons had a total capacity of around 7,547, while the total number of inmates was 11,061, comprising 10,767 male and 294 female prisoners. Some 70 percent of them were under trial. [...] Peshawar apparently posed the biggest challenge to the prisons department.

Forty babies were with their mothers in the highly overcrowded Sindh prisons.

The high ratio of under trial prisoners was alarming in all the prisons across the country.<sup>551</sup>

The HRCP report provided the following table indicating the level of overcrowding in Pakistan's prisons<sup>552</sup>:

Fig.1

Region*	Total male	Total female	Under trial	Total juvenile	Total prisoners	Total sanctioned capacity
Punjab	49,330	959	29,706	550	50,289	32,235
Sindh	18,880	214	14,267	208	19,094	12,613
Khyber Pakhtunkhwa	10,564	247	7,737	320	10,811	8,395
Balochistan	2,735	22	1,210	34	2,397	2,585

*\*Law and Justice Commission of Pakistan, as at 30 November 2017*

With regards to deaths in detention the same source recorded that:

According to the information shared with the Sindh Assembly at the beginning of 2017, over the previous three years, 104 people had died in the prisons of Sindh Province. Of those, 90 had died due to natural causes, eight died during jail riots and two committed suicide. Eighteen prisoners reportedly died in Karachi jails in 2017, under questionable circumstances. Apparently, most of them were recorded as having died during treatment at hospital following heart attacks.<sup>553</sup>

The U.S. Department of State report for 2017 continued to document that "Conditions in some prisons and detention centers were harsh and life threatening. Problems such as overcrowding and inadequate medical care were widespread."<sup>554</sup>

The same source further noted with regards to detention conditions that:

Prison conditions often were extremely poor. Overcrowding was common. The Society for Human Rights and Prisoners' Aid-Pakistan (SHARP) estimated the total nationwide prison population fluctuated between 95,000 and 107,000 while claiming that the normal capacity of prisons was approximately 36,000. The Inspector General's Office reported prison capacity of 52,784. [...]

<sup>551</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Jails* p.59-61

<sup>552</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Jails* p.62

<sup>553</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Jails* p.59

<sup>554</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 1a*

Although quality and quantity of prison food improved, inadequate food and medical care in prisons continued to cause 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. [...]

According to press reports and prison hospital sources, prison medical facilities are in poor condition with limited medicine available. [...]

Due to lack of infrastructure, police often did not segregate detainees from convicted criminals. Prisoners with mental disabilities usually lacked adequate care.<sup>555</sup>

With regards to particular profiles of prisoners the same source detailed:

Prisoners who were members of religious minorities generally received poorer treatment than Muslims and often suffered violence at the hands of fellow inmates. [...]

NGOs reported transgender women were held with men and faced harassment. Balochistan had no women's prison, but women were housed in separate barracks in prisons located in Khuzdar, Gaddani, Quetta, and Loralai. [...]

Prison officials kept juvenile offenders in barracks separate from adults. Juveniles and adults were in close proximity when waiting for transport but were kept under careful supervision at this time. According to the Society for the Protection of the Rights of the Child (SPARC), prisoners and prison staff subjected children to abuse, rape, and other forms of violence. SPARC described conditions for juvenile prisoners as among the worst in the country.<sup>556</sup>

Regarding the administration of prisons and detention centers the same report stated that "According to SHARP [Society for Human Rights and Prisoners' Aid], there was adequate manual recordkeeping on prisoners, but there was a need for computerized records. There was an ombudsman for detainees, with a central office in Islamabad and offices in each province. Inspectors general of prisons irregularly visited prisons and detention facilities to monitor conditions and handle complaints. By law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. According to SHARP, however, prisoners often refrained from submitting complaints to avoid retaliation from jail authorities".<sup>557</sup>

## 5.5 Forced and/or underage recruitment

For information on forcible recruitment perpetrated by non-state agents, see 4. *Overview of human rights abuses by non-state armed groups*, [4.1.Occupying humanitarian space and forced recruitment](#).

### Legal Framework

In November 2016 the UN Child Rights Experts for Universal Children's Day explained that "The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict is now in force in 166 countries, having been most recently ratified by Pakistan. States parties

---

<sup>555</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1c, Prison and Detention Center Conditions

<sup>556</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1c, Prison and Detention Center Conditions

<sup>557</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. Prison and Detention Center Conditions

have committed to ban the compulsory recruitment of children under 18 in armed forces and to ensure that those under the age of 18 do not take part in hostilities”.<sup>558</sup>

The UN Secretary-General’s 2016 Children and Armed Conflict report noted that:

In November, Pakistan ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. I welcome this important step and urge the Government to uphold its obligations under the Optional Protocol, particularly by criminalizing the recruitment and use of children in hostilities.<sup>559</sup>

The Watchlist on Children in Armed Conflict (CAC) noted in their annual report covering events in 2016 that:

One area for improvement within the CAC agenda is the listing of parties to conflict for child rights violations. In the past two years, civil society organizations and the media have exposed the undue pressure some Member States have exercised, including threats to withdraw UN funding, to avoid being listed in the Secretary-General’s annual reports on children and armed conflict, despite credible evidence pointing to violations. [...]

Other countries or areas where geopolitics may interfere with the listing of perpetrators include, among others, Southern Thailand, Pakistan, and India.<sup>560</sup>

Child Soldiers International noted in a February 2018 report that:

Seventeen states (whether they have ratified OPAC or not) have a minimum enlistment age of 16 (the lowest acceptable age under OPAC): Bangladesh, Belarus, Brazil, Canada, Egypt, El Salvador, Guinea-Bissau, India, Iran, Mauritania, Mexico, Pakistan, Papua New Guinea, Singapore, Tonga, the United Kingdom and Zambia.<sup>561</sup>

### State forced/underage recruitment

EASO cited Muhammad Amir Rana, Director, Pakistan Institute for Peace Studies (PIPS) in a report dated February 2018 as stating that “Regarding forced recruitment in the military, I don’t think that the military recruits people forcefully in Pakistan. Yes, before the military operation in Swat, in Heba and in South Waziristan mainly, and partially in Tank and North Waziristan area, the military had encouraged the local people to form Peace Committees, to fight against the Taliban”.<sup>562</sup>

## **5.6 Corruption of state security forces**

Human Rights Watch reported in a September 2016 report on police abuse that “The corruption and abuse endemic to the Pakistani law enforcement system are often described as “thana culture,” after the Urdu word for police station. Many police officers told Human Rights Watch that abuses can often be explained, if not justified, by the considerable pressures placed upon them. They listed organizational shortcomings, inadequate training and resources, lack of requisite funds, poor working conditions, and lack of coordination with other law enforcement agencies as obstacles to transparency

---

<sup>558</sup> United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, [Statement by UN Child Rights Experts for Universal Children’s Day](#), 20 November 2016

<sup>559</sup> UN Secretary-General, [Children and armed conflict](#), 24 August 2017 para. 222

<sup>560</sup> Watchlist, [2017 Annual Report: Putting Children’s Rights Up Front](#), March 2017, p.2

<sup>561</sup> Child Soldiers International, [Save the date - 21 February 2018](#), undated [accessed 27 April 2018]

<sup>562</sup> [Muhammad Amir Rana] EASO, [COI Meeting Report: Pakistan, 16-17 October 2017](#), February 2018, Section 6.2.1 Target killing, p61

and accountability within the police force. All of these problems, they said, were exacerbated by pressures imposed by senior police officials to achieve results, and by politicians and other local elites with their own agendas”.<sup>563</sup>

The same report further stated that inadequate financial resources was a major obstacle to proper police functioning and that this in itself was linked, and contributed, to corruption in the police force: “Corruption is one of the most common complaints against police. It is inextricably linked with, if not justified by, financial constraints. The high incidence of corruption negatively impacts trust in the police. [...] A senior officer in Mirpurkhas told Human Rights Watch: Corruption is the most serious problem for the police; I would rank it higher than political interference. This is because corruption is the prime cause for mistrust and hatred of the police in society”.<sup>564</sup>

With regards to police corruption the Human Rights Watch report noted that “Pakistan’s police are widely regarded as among the most abusive, corrupt, and unaccountable institutions of the state. Effective systems of accountability and redress for grievances are crucial in order to transform the police from a repressive institution into a service that impartially protects life and property”.<sup>565</sup>

The same source further described the relation between non-registration of complaints and corruption:

Non-registration of FIRs [First Information Report] is also linked to corruption. Complainants, particularly those of lesser means, said that police refused to register their FIRs unless bribes were paid. Hussain Naqi of the Human Rights Commission of Pakistan said that bribing the police through a middleman or agent (commonly known as a “tout”) was the “most effective” way for getting an FIR registered. Also frequently needed was a sifarish (recommendation) from local notables such as politicians, representatives of professional, business or religious associations, gundas (thugs) and heads of criminal gangs, or senior government officials. ‘Corruption is a big obstacle to registering FIRs,’ said Naqi. ‘Police officials do not register complaints automatically as they want to extract money from both the complainant [to register] and the accused [to not register]’.<sup>566</sup>

The Human Rights Commission of Pakistan described in its annual report on human rights in Pakistan covering 2016 corruption in Pakistani prisons:

The ombudsperson found staff members working in the same capacity for more than a decade. Lack of chances of promotion and pay-raise meant the staff lacked the motivation to improve performance. Poor remuneration also led to rampant corruption and an intricate system of bribery in jails. The authorities harassed the poorest prisoners who lacked political backing. Their families were often forced into taking loans to bribe jail officials so that they would be spared the harsh treatment. Prisoners could pay bribes to jail staff for better food, a longer stay at the jail clinic or even access to perks like cell phones. With only one training college for jail staff in the country, lack of knowledge of jail procedures and terms of reference led to unprofessional and even criminal behavior in jail officials. The report recommended that all jail staff be posted out of jail every three years to check acts of malpractice which might occur due to prolonged association with criminal elements.<sup>567</sup>

---

<sup>563</sup> Human Rights Watch, [This Crooked System - Police Abuse and Reform in Pakistan](#), 25 September 2016, Summary, p. 2

<sup>564</sup> Human Rights Watch, [“This Crooked System”, Police abuse and reform in Pakistan](#), September 2016, p. 56

<sup>565</sup> Human Rights Watch, [This Crooked System - Police Abuse and Reform in Pakistan](#), 25 September 2016, Pakistan’s Culture of Impunity, p. 5

<sup>566</sup> Human Rights Watch, [This Crooked System - Police Abuse and Reform in Pakistan](#), 25 September 2016, Failure to Register and Investigate Crimes

<sup>567</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 58 and 59

An autumn 2016 Cairo Review of Global Affairs explained that in 2016 former Chief of Army Staff of the Pakistan Army, Raheel Sharif was implicated in corrupt activities by the so-called Panama Papers which revealed how the world's rich use offshore entities to avoid paying taxes:

In Sharif's case, the papers showed that his children own offshore companies and assets that he had not declared as part of the family's wealth. He countered that these companies and assets were technically not in his name and that the money was legal, but has been unable to offer a credible explanation on the source of the money. [...] As the Panama Papers scandal unfolded, Raheel Sharif weighed in. He dismissed six military officers, including two generals, for corruption—making his army look better than the politicians through a relatively superficial move. He also publically called for a crackdown on corruption, saying that “enduring peace and stability [will not be established] unless the menace of corruption is uprooted.” In a country where the civilians and the military are constantly compared, harping on the worst weakness of the civilians—corruption—was especially effective.<sup>568</sup>

The US Department of State annual report on Pakistan covering 2017 stated that “The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices. As in previous years, 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. Some police charged fees to register genuine complaints and accepted bribes for registering false complaints. Bribes to avoid charges were commonplace”.<sup>569</sup>

Transparency International reported in its Global Corruption Barometer for 2017 that “People in Thailand and Pakistan were particularly likely to think that the police were highly corrupt, with over three quarters saying most or all police officers in their country were corrupt (78 per cent and 76 per cent).<sup>570</sup>

The same source further stated that “The law and order institutions in Pakistan were the most likely of any country that we surveyed to accept bribes – around seven in 10 people who came into contact with either the police or the courts had to pay a bribe (75 per cent and 68 per cent respectively)”.<sup>571</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned, despite the measures taken by the State party to combat corruption, at the prevalence and magnitude of corruption cases involving high-level officials (art. 2 (1)).<sup>572</sup>

An August 2017 World Justice Project report on the rule of law in Pakistan presented findings from two survey conducted between May and September 2016. The report stated that “Pakistanis consider corruption to be the most important issue facing the country. When asked what the most important

---

<sup>568</sup> Cairo Review of Global Affairs, [Pakistan's Democratic Opportunity](#), Fall 2016

<sup>569</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 4. Corruption and Lack of Transparency in Government

<sup>570</sup> Transparency International, [People and Corruption: Asia Pacific – Global Corruption Barometer](#), 7 March 2017, p. 10

<sup>571</sup> Transparency International, [People and Corruption: Asia Pacific – Global Corruption Barometer](#), 7 March 2017, p. 15

<sup>572</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 17



aims for Pakistan should be over the course of the next ten years, 27% cited reducing corruption, followed by reducing crime (26%) and reducing poverty (23%)”.<sup>573</sup>

The same report further stated that “Pakistanis believe that a significant number of authorities are involved in corrupt practices. Police are viewed as the most corrupt authorities by respondents (82%) and judges and magistrates are perceived to be the least corrupt (47%). Since 2013, there has been a moderate decrease in perceived levels of police corruption, and an increase in perceived levels of corruption among judges and magistrates. Since 2014, there has been a moderate increase in perceived levels of corruption among local government officers, members of parliament, and national government officers”.<sup>574</sup>

On the practice of bribing police in exchange for assistance the World Justice Project stated that “Petty bribery is pervasive in Pakistan. More than three quarters of Pakistanis have paid a bribe to process a government permit (78%), and approximately three quarters have paid a bribe to receive assistance from the police (74%). Since 2014, there has been a moderate increase in the percentage of people that have paid a bribe to a police officer and to receive medical attention at a public hospital, and a large increase in the percentage of people that have paid a bribe to process a government permit. As compared to South Asian peer countries, more Pakistanis report paying a bribe to process government permits and to receive assistance from the police”.<sup>575</sup>

A report published by the Department of Foreign Affairs and Trade (DFAT) of Australia in September 2017 stated: “The effectiveness of individual police forces in Pakistan and the challenges faced by these forces vary. Overall, however, police capacity in Pakistan is limited by a lack of resources, poor training, insufficient and outmoded equipment, and competing pressures from superiors, political actors and the judiciary. Credible sources in Pakistan told DFAT that there is a widespread perception across the community of high levels of police corruption”.<sup>576</sup>

The Asian Human Rights Commission stated in a September 2017 report that “When thinking of police officers in Pakistan, inept, corrupt and intimidated are some of the first thoughts that come to mind. Their attitude towards complainants and victims of crime are particularly devoid of civility. In fact, complainants are harassed for daring to report crimes and demanding justice. The country’s justice delivery mechanisms largely fail victims, who are left with no avenues to seek justice”.<sup>577</sup>

This report further described police corruption in Pakistan:

Deeply entrenched corruption and embezzlement of funds by all ranks of the police has made it difficult for the common man to approach police for redressal. This gives rise to mob vigilance and deteriorating law and order. Corruption is multi faceted and multi layered, with police receiving monthly ‘tributes’ from organized criminal gangs in exchange for being allowed to loot and plunder with complete impunity. Another source of steady income for the police is to take bribes from complainants to file FIRs [First Information Report]; alternatively, the alleged accused is also encouraged to pay bribes to not nominate him in the FIR. Victims have reported that they were forced to pay bribes on various pretexts when they approached the police to file a complaint, such as paying for fuel or even stationary. The investigation process is also not immune from corruption; the police charge large bribes from the

---

<sup>573</sup> World Justice Project, [The Rule of Law in Pakistan](#), 25 August 2017, p. 6 and 7

<sup>574</sup> World Justice Project, [The Rule of Law in Pakistan](#), 25 August 2017, p. 6

<sup>575</sup> World Justice Project, [The Rule of Law in Pakistan](#), 25 August 2017, p. 6

<sup>576</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 36

<sup>577</sup> Asian Human Rights Commission, [Pakistan: Policing system plagued by pervasive corruption](#), 6 September 2017

accused. If the accused happens to be poor or vulnerable, he can be implicated in a number of crimes.<sup>578</sup>

The same source further stated that “Justice in Pakistan is not given as a right, but rather it is given up for sale to those with deep pockets and nerves of steel. In this manner, the majority of criminals escape prosecution, while victims think many times before making police complaints”.<sup>579</sup>

The Nation reported in January 2018 on Pakistan’s ranking in Transparency International’s corruption index for 2017: “Pakistan has been ranked 117 in the annual corruption index, released by Berlin-based non-government organisation Transparency International (TI), among a group of 180 countries. Pakistan has scored 32 in the CPI 2017. In 2016 Pakistan’s score was 32 and was ranked 116 out of 176 countries”.<sup>580</sup>

## 6. Rule of Law and administration of justice

### 6.1 Recent legislative developments

The Human Rights Commission of Pakistan noted in its annual report covering 2016 that “In 2016, the federal parliament’s legislative output amounted to 51 laws, a huge jump compared to the previous year, when 20 laws had come into effect. However, the ordinances promulgated by the president decreased from 12 in 2015 to six in 2016. Leveraging their expanded legislative authority under the 18th Amendment to the constitution, the provinces adopted several important laws. The provincial legislatures adopted as many as 81 laws in the year 2016, which is significantly low compared to the 120 laws enacted during the previous year. The legislative output of all provinces decreased. With 30 laws enacted, Khyber Pakhtunkhwa had the highest legislative output during the year under review, followed by Sindh, Punjab and Balochistan”.<sup>581</sup>

The same source further detailed new legislation passed during 2016:

In 2016 new laws were passed, which, if implemented, would greatly strengthen the protection system for women and girls. At the national level, three laws were enacted regulating Hindu marriages, and reforming the existing anti-rape and honour crime provisions. In September, the National Assembly passed the Hindu Marriage Act 2016 several months after the NA Standing Committee on Law and Justice had approved it. The Act gives the Hindu citizens the right to register their marriages and obtain a proof of marriage document called the shadiparat. The law also sets the minimum age for marriage at 18, violation of which would result in six-month imprisonment and Rs 5,000 fine. The new law also allows Hindu women to remarry six months after the death of their husband and seek divorce on the ground of negligence, bigamy and being married before 18. In October 2016, in a joint session of the National Assembly two laws were passed titled the Anti-Honour Killing Laws (Criminal Amendment Bill) 2015 and the Anti-Rape Laws (Criminal Amendment Bill) 2015. The first stipulates that an individual found guilty of murder on the pretext of honour will be liable to life imprisonment (25 years) even if the victim’s family pardons the offender.<sup>582</sup>

---

<sup>578</sup> Asian Human Rights Commission, [Pakistan: Policing system plagued by pervasive corruption](#), 6 September 2017

<sup>579</sup> Asian Human Rights Commission, [Pakistan: Policing system plagued by pervasive corruption](#), 6 September 2017

<sup>580</sup> The Nation, [Pakistan ranks 117 in annual corruption index](#), 23 February 2018

<sup>581</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 11

<sup>582</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 155 and 156

In its annual report covering 2017 the Human Rights Commission of Pakistan contains summaries all 37 Federal Acts passed in 2017, a drop from 2016 when 51 came into effect as well as briefs of provincial legislation passed in 2017.<sup>583</sup>

In its press freedom report published May 2017 (covering the period 1 January 2016 to 30 April 2017) the Pakistan Press Foundation noted on the adoption of the Prevention of Electronic Crimes Act 2016 stating that “On August 11, 2016, the parliament passed the “Prevention of Electronic Crimes Act (PECA) 2016” that places onerous restrictions on online expression and increases the online surveillance which could potentially have a chilling effect on freedom of opinion and expression. The law was passed without substantive and effective input from civil society stakeholders and the process was characterized by a lack of transparency. The language of the act and it gives powers Pakistan Telecommunication Authority (PTA) authority to block online material and to issue guidelines to internet service providers without judicial oversight or transparent guidelines of process. PECA could have the effect of restricting encryption tools, thereby removing a vital safety tools for media professionals”.<sup>584</sup>

The Asian Human Rights Commission similarly reported on the entry into force of the Prevention of Electronic Crimes Bill in September 2016: “The controversial PECB [Prevention of Electronic Crimes Bill] became law in September 2016. The measure has been criticized for containing vague language that could permit authorities broad powers to censor online content in order to preserve national security. The law also provides for as long as three years’ imprisonment for disseminating information with “dishonest” intent, or which is deemed to harm an individual’s reputation”.<sup>585</sup>

A March 2017 report published by Human Rights Watch described the measures taken by the Pakistani government to reinstate military courts to try civilians for terrorism related offenses:

The government is introducing a bill to amend the Constitution of Pakistan and the Army Act, 1952 to reinstate and expand the jurisdiction of military courts to try civilians for terrorism-related offenses. Following the attack by the Pakistani Taliban on the Army Public School in Peshawar that killed 148 people, nearly all children, the Pakistani government created military courts on January 7, 2015, for a two-year period, as part of its 20-point National Action Plan against terrorism. United Nations bodies, human rights organizations, and the political opposition raised serious concerns about trying civilians before military courts, the secrecy of military court trials, and other fair trial issues. [...] Pakistan’s military courts are empowered to try individuals who have committed offenses including abduction for ransom, waging war against the state, causing any person injury or death, creating terror or insecurity, and various other offenses. The draft law seeks to expand the jurisdiction of the military courts to individuals who commit, “grave and violent acts against the State.”<sup>586</sup>

Amnesty International reported in July 2017 on the adoption of new legislation concerning enforced disappearances stating that “Amnesty International welcomes the proposed Right to Information Bill, adopted by a Senate Select Committee in February 2017, which obligates all state institutions to provide information about missing persons within three days of a request for information being filed”.<sup>587</sup>

---

<sup>583</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Laws and Law-making* p.12

<sup>584</sup> Pakistan Press Foundation, [Pakistan Press Freedom Report](#), 3 May 2017, p. 2

<sup>585</sup> Freedom House, [Freedom of the Press 2017 - Pakistan](#), 28 April 2017, *Legal Environment*

<sup>586</sup> Human Rights Watch, [Pakistan: Don't Reinstate Secret Military Courts - Fight Militancy by Reforming Justice System, Upholding Rule of Law](#), 20 March 2017

<sup>587</sup> Amnesty International, [Pakistan: Widespread human rights violations continue: Amnesty International Submission for the UN Universal Periodic Review, 28th Session of the UPR Working Group, November 2017 \[ASA 33/6513/2017\]](#), 10 July 2017, p. 6

Dawn similarly reported on the Right to Information Bill that “The Senate select committee on Tuesday passed the Right to Information Bill 2016, which would automatically declassify government documents after 25 years. [...] The bill would make public letters carrying the title ‘secret’, while information on missing persons would have to be released within three days. An individual may even request CCTV footage of public places”.<sup>588</sup>

A joint report by International Federation for Human Rights and Human Rights Commission of Pakistan dated October 2017 noted on measures to curtail online freedom “In March 2017, Prime Minister Nawaz Sharif ordered a ban on all online material deemed to be blasphemous, and requested that social media companies disclose information about those who disseminate such material in order to assist authorities in the identification of blasphemy suspects. On 12 September 2017, four bloggers were indicted on allegations of blasphemy. A number of others have been sentenced to death in 2017 on charges of committing blasphemy on social media”.<sup>589</sup>

## 6.2 Criminal justice system

Justice Project Pakistan similarly noted in a September 2016 report that “The failings of the legal system are compounded by an outdated Criminal Procedure Code (CrPC), which has remained virtually unchanged since its enactment in 1898, when it was adapted—with only minor revisions—from the British Indian Penal Code. A former civil judge said of the CrPC, “[w]hile living in 77 2014, we are centuries old in terms of legislations.” Ijaz Ahmad, a Pakistani judicial magistrate, has described the code as “prehistoric,” pointing out that Section 46(2) “has given a free hand to the police to summarily kill the accused if wanted under an offence punishable with death or a life term.” Furthermore, the CrPC’s failure to define the term “accused” permits warrantless arrests on the basis of a 79 “reasonable complaint” or “reasonable suspicion”.<sup>590</sup>

The same Justice Project Pakistan report noted that “Examination of Pakistan’s criminal justice system reveals striking flaws throughout the adjudicatory process. At each stage—arrest, charging, trial, appeal, and confinement—Pakistan fails to protect defendants’ fundamental rights”.<sup>591</sup>

In an October 2016 publication the Brookings Institution described that:

Islamist groups in Pakistan have exploited flaws in state bureaucracy and judicial processes since the country’s independence. Since the state does not provide ready justice—due to a criminal justice system plagued with corruption, bureaucracy, and political patronage—this has created greater space and a need for community-based adjudication and dispute resolution through local and tribal councils (variously composed according to local customs and referred to as jirgas, panchayats, and other terms in different parts of the country).<sup>4</sup> In certain areas of Pakistan, especially parts of the Khyber Pakhtunkhwa (KPK) and the Federally Administered Tribal Areas (FATA), the demand for surrendering greater authority to tribal councils has become increasingly coupled with the enforcement of Shariah laws. For example, the terrorist movements of Tehreek Nifaz Shariat-e-Muhammadi (TNSM) in the Swat

---

<sup>588</sup> Dawn, [Senate select committee passes RTI bill](#), 15 February 2017

<sup>589</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 6

<sup>590</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 8

<sup>591</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 6

district and TTP in both FATA and Swat have laid their foundation on the question of justice through attempts to reconstitute local orders in KPK and FATA.<sup>592</sup>

The same source reported with regards to the emergence of military courts in Pakistan:

Military courts in Pakistan are another extraordinary move to reconstitute local order according to peculiar ground situations. In August 2015, Pakistan's Supreme Court upheld the 21st amendment to the constitution allowing military courts to be established parallel to the existing civil judiciary for two years. The amendment allows civilians "claiming [to] or [who] are known to belong to any terrorist group or organization using the name of religion or sect" to be tried by the military courts, provided that their cases are referred by the federal government. This formulation presented a civilian façade but, in reality, it will mean that the military decides who is brought before the military tribunal.<sup>593</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned by the fact that the Constitution, federal laws and the jurisdiction of highest courts do not apply in the Federally Administered Tribal Areas. It is also concerned by the challenges facing the judiciary in strengthening its independence and effectiveness, including the lack of transparency of judicial appointment procedures; the shortage of judges and long-term judicial vacancies; insufficient budget allocation; the considerable backlog of cases; the lack of high-quality legal education and continuing professional training for legal professionals; and corruption in the judiciary (art. 14).<sup>594</sup>

A December 2016 article published by Dawn describes Pakistan's criminal justice system as follows: "The criminal procedure code is 118-years old while the civil procedure code is 108-years old. While our court/case management rules vary from province to province, they are generally about 70 to 80 years old. A product of the British Raj, the nature of criminal and criminal disputes was altogether different and the resources and technologies available to courts, lawyers and the litigant public were incomparable. They are overly technical, allow for endless rounds of appeals, reviews and revisions, and generally tilt towards sacrificing efficiency at the altar of thoroughness. It makes sense to introduce greater efficiency and update these rules in keeping with current realities and new developments in global practices".<sup>595</sup>

The US Department of State detailed in its annual report on Pakistan covering 2016 that "The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated under separate judicial systems. For example, AJK [Azad Jammu Kashmir] has its own elected president, prime minister, legislature, and court system. Gilgit-Baltistan also has a separate judicial system".<sup>596</sup>

The Human Rights Commission of Pakistan noted in its annual report on human rights covering 2016 that "About three million cases were pending in the country's courts indicating weakened criminal and civil justice system delivery mechanisms. While military courts, approved by the Supreme Court as an "exceptional" short-term measure, weaved themselves into the fabric of Pakistan's criminal justice

---

<sup>592</sup> Brookings Institution, [Reconstituting Local Order in Pakistan: Emergent ISIS and Locally Constituted Shariah Courts in Pakistan](#), October 2016, *Background* p.3

<sup>593</sup> Brookings Institution, [Reconstituting Local Order in Pakistan: Emergent ISIS and Locally Constituted Shariah Courts in Pakistan](#), October 2016, *Background* p.6

<sup>594</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, *paragraph 31*

<sup>595</sup> Dawn, [Justice Delayed is Justice Denied](#), 20 December 2016

<sup>596</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017, *Section 1. e. Denial of Fair Public Trial*

system, there was no sign of the promised reforms for the ordinary system to effectively handle terrorism cases”.<sup>597</sup>

The same source further noted with regards to the administration of justice that:

Newspaper reports said cases took between 20 to 30 years to conclude and there were about three million pending court cases in the country. By November 15, according to the Law and Justice Commission of Pakistan figures, the Supreme Court had 30,970 cases pending with it whereas the pendency in the Federal Shariat Court was 661. Among the high courts, the Lahore High Court topped the list with 1,595,787 cases, followed by the Sindh High Court with 84,077 cases, the Peshawar High Court with 30,730 cases, the Islamabad High Court with 13,789 cases and the Balochistan High Court with 6,110 pending cases. In the district courts as well, Punjab topped the list with 1,274,310 cases, followed by Khyber-Pakhtunkhwa with 188,561 cases, Sindh with 121,180 cases, and Islamabad with 31,018 cases and Balochistan with 13,882 cases. Non-provision of witness protection deterred the resolution of cases. The procedural codes inherited from the British without any great amendments remained 'overly technical, allowing for endless rounds of appeals, reviews and revisions, and generally tilting towards sacrificing efficiency at the altar of thoroughness.' In many cases, evidence collection was poorly handled relying on confessions obtained through torture in police custody. In the face of these hurdles, the criminal justice system remained corrupt and inefficient.<sup>598</sup>

A December 2016 Dawn article provides an overview of the ‘miscarriages of the judicial system’ in Pakistan:

Those accused and even convicted must wait for years in prison before their cases are tried. Even more time will lapse before appeals are heard and judgments decided before different forums, including the high court and the Supreme Court (SC).

Legal experts believe that an appellant is fortunate, if his final appeal is decided before the completion of his prison term. “Because there are many stakeholders in the criminal justice system, blame can’t be placed on any one for the abnormal delay in litigation,” says SC advocate Noor Alam Khan.

He adds responsibility for these delays lies with the police, prosecution, judiciary, prison and home departments and the lawyers’ fraternity. Another reason is that the judiciary is not taking the issue of inordinate delays in the disposal of cases seriously.

If there is a shortage of judges to clear the backlog, the judiciary must increase its numbers.

While in other provinces appeal hearings in the high court can take years, the situation in Khyber Pakhtunkhwa differs – initial hearings usually occur within a year.

“The superior courts have to strengthen their system of checks and balances so as to make the subordinate judiciary more functional. At the same time, they must address abnormal delays,” says SC advocate, Astagirullah Khan.

Prosecutors must contend with a plethora of obstacles when it comes to criminal trials, such as non-appearance of witnesses, lack of facilities, etc. [...] Lawyers say that most witnesses do not appear to testify, especially in terrorism-related cases, for reasons of security and fear.<sup>599</sup>

The same source further details the judicial system’s problems in dealing with the backlog of pending court cases:

Sindh’s 27 judicial district courts have 119,677 pending civil, family and criminal cases from Jan 1 to Nov 30 2016 according to the Sindh High Court’s monitoring inspection team. “The criminal justice system has collapsed due to the incompetence of investigating and prosecuting agencies,” says the Karachi Bar Association president Mahmoodul Hasan.

According to the PHC [Peshawar High Court] website, by the end of October 2016, around 33,302 cases were pending before the high court whereas 187,840 cases were pending before the subordinate courts

---

<sup>597</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 26

<sup>598</sup> Human Rights Commission of Pakistan, [State of human Rights in 2016](#), 2017, p. 27

<sup>599</sup> Dawn, [Miscarriages of the Judicial System](#), 20 December 2016



or district judiciary. With 74,816 criminal cases pending before Peshawar's district courts, 65 were old cases filed before 31 December 2011. Similarly, 1,274,310 cases are pending with district courts in Punjab, and 13, 882 in Balochistan.<sup>600</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan noted that "The lengthy proceedings of high profile cases saw the backlog of cases increase to 38,589 in the Supreme Court in 2017".<sup>601</sup>

The US Department of State continued to document in its annual report on Pakistan covering 2017 that "Extensive 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. Delays in justice in civil and criminal cases were due to antiquated procedural rules, unfilled judgeships, poor case management, and weak legal education".<sup>602</sup>

Shehryar Fazli, Senior Analyst and Regional Editor of International Crisis Group offers an analysis of Pakistan's criminal justice system in a February 2018 EASO report:

I think a good way to describe the essence of Pakistan's criminal justice system is through a couple of pictures. Pakistan has vastly overcrowded prisons, and yet the vast majority of those in prison are un-convicted, they are still on trial. The approach, the orientation of the criminal justice system is to pick people up, lock them up for a couple of years and then let them back on the streets, without access to a fair trial, which is a constitutional right. Then we have a very warped legal and administrative framework and apparatus for dispute resolution that lends itself to exploitation by those with money, political influence, or willingness to use force. The slow pace of court cases in both criminal and civil matters, but especially in this case, since we are talking about civil cases to begin with, will often turn a civil case into a criminal case. In other words, parties to a dispute – because they do not see the prospect of resolution in the next several years of whatever dispute it is – they will take matters into their own hands. So civil cases turn into criminal ones. The flipside of that is that criminal cases can often turn into civil ones, including capital criminal cases such as murder. The reason for that is some of the legal reforms that were introduced in the late 1970s - 80s by the military regime of Zia-ul-Haq – this is the vast body of Islamic legislation that Pakistan lives with today.<sup>603</sup>

A March 2017 article published by the Daily Times details the challenges of Pakistan's criminal justice system:

With rampant corruption, bribery, and frequent reports of police brutality that even results in custodial deaths, it is no wonder that police in Pakistan are often regarded not as guardians, but as a menace. Most importantly for the criminal justice system, the police are often blamed by the courts for not collecting enough evidence, or building a strong enough case against the defendant. A large number of culprits are granted initial bail and eventual exoneration because the police have not done the needful. Second, and inevitably connected to this, are the loopholes in the criminal justice system. Courts have become literal revolving doors for the accused. The court system can be manipulated through a large number of legal loopholes, allowing for those with power, money, influence, or the ability to inflict terror, to roam free. A recent example of a model getting caught red-handed with millions in currency she was smuggling became a national spotlight for months. Eventually, she was released on bail, and very recently, left the country, Instagramming a shot of herself with a victory symbol.

---

<sup>600</sup> Dawn, [Miscarriages of the Judicial System](#), 20 December 2016

<sup>601</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Judiciary-pending cases* p.28

<sup>602</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, e. *Denial of Fair Public Trial*

<sup>603</sup> [Shehryar Fazli] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome](#), February 2018, p. 35 and 36

Finally, security for judges, lawyers, prosecutors and witnesses is a major issue. People belonging to all four categories have been executed in Pakistan for taking up a certain case. Even the police themselves come under attack by rogue elements, the very provider of security for said individuals.<sup>604</sup>

The same source further detailed the role of military courts in the criminal justice system:

The failure of the justice system in Pakistan had necessitated the establishment of military tribunals. The numbers support this argument. At this point in time, an estimated 1.74 million cases are pending in Pakistan's courts. Criminal cases can take 6-9 years on average, depending on the complexity of the case, and the location where the case was tried. All things considered, the legal system in Pakistan is not the shining beacon of hope and justice it was supposed to be. It is a smouldering wisp of a burnt-out candle that no longer serves the purpose it was intended for.

It is also worth noting that at the time of the creation of the military courts, it was decided that the state would look into and revamp the criminal justice sector in Pakistan, such that these courts are no longer needed. The fact that two years later our representatives have comprehensively voted for military courts' reinstatement, and the progress on revamping/reforming the criminal justice system is next to none, is a sad, sorry state of affairs for Pakistan. Not only does it weaken the argument against military courts, a national embarrassment that reflects how broken the justice system conveyor belt really is, also hurts Pakistan in the long term.<sup>605</sup>

In a January 2018 article the Express Tribune provides an analysis of reforms in the criminal justice system proposed by the Khyber-Pakhtunkhwa government stating that "Several key changes have been proposed both in the Criminal Procedure Code (CrPC) and the K-P Police Act of 2017 such as the need for establishing public safety bodies and adopting the standard operating procedures agreed between the police and the prosecution department. The purpose behind it is to guarantee that prosecutors play a proper role in the investigation process. The road map points out lack of clarity, for instance, on whether prosecutors actually play their chosen role in the investigation process, steer it around different stages, or raise issues about the nature and quality of the evidence gathered by the police. But what keeps the criminal justice system dysfunctional in our country is the lack of coordination between institutions — a perennial issue in other spheres of life too. This is due to the existing trust deficit in the competence and integrity of other institutions".<sup>606</sup>

### 6.3 Judicial independence

Freedom House noted in its annual report on Pakistan covering 2016 that "Over the last decade, executive interference in the higher judiciary has decreased, and the judiciary in some cases holds the executive to account. However, 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. A separate Federal Sharia Court is empowered to determine whether a provision of law goes against Islamic injunctions. Some communities resort to informal forms of justice, leading to decisions outside formal safeguards".<sup>607</sup>

A 2018 country report on Pakistan (covering the period 1 February 2015 to 31 January 2017) published by Bertelsmann Stiftung stated that "The judiciary has been assertive in Pakistan in recent years, with the Chief Justice challenging President Musharraf over the "disappeared" in Balochistan. His refusal to step down when challenged and the lawyers' movement in his favor eventually precipitated the

---

<sup>604</sup> Daily Times, [Military courts and the criminal justice system](#), 30 March 2017

<sup>605</sup> Daily Times, [Military courts and the criminal justice system](#), 30 March 2017

<sup>606</sup> Express Tribune, [Criminal justice system reform](#), 13 January 2018

<sup>607</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, *Rule of Law*

downfall of Musharraf. Subsequently however, the activism of the judiciary has been criticized for being politicized rather than independent”.<sup>608</sup>

The UN Human Rights Committee noted in its Concluding observations on the initial report of Pakistan, published August 2017 that “The Committee is concerned by the fact that the Constitution, federal laws and the jurisdiction of highest courts do not apply in the Federally Administered Tribal Areas. It is also concerned by the challenges facing the judiciary in strengthening its independence and effectiveness, including the lack of transparency of judicial appointment procedures; the shortage of judges and long-term judicial vacancies; insufficient budget allocation; the considerable backlog of cases; the lack of high-quality legal education and continuing professional training for legal professionals; and corruption in the judiciary (art. 14)”.<sup>609</sup>

The US Department of State annual report on Pakistan covering 2017 noted with regards to judicial independence that “The law provides for an independent judiciary, but according to NGOs and legal experts, the judiciary often was subject to external influences, such as fear of reprisal from extremist elements in terrorism or blasphemy cases and public politicization of high-profile cases. Civil society organizations reported judges were reluctant to exonerate individuals accused of blasphemy, fearing vigilante violence. The media and the public generally considered the high courts and the Supreme Court credible”.<sup>610</sup>

The same source further describes the functioning of the judiciary in different regions of Pakistan: “The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated under separate judicial systems. For example, the AJK has its own elected president, prime minister, legislature, and court system. Gilgit-Baltistan also has a separate judicial system. Many lower courts remained corrupt, inefficient, and subject to pressure from wealthy persons and influential religious or political figures. There were instances in which unknown persons threatened and/or killed witnesses, prosecutors, or investigating police officers in high-level cases”.<sup>611</sup>

With regards to informal justice systems operating in Pakistan the 2017 US Department of State report stated that “Informal justice systems lacking institutionalized legal protections continued, especially in rural areas, and often resulted in human rights abuses. Landlords and other community leaders in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas at times held local council meetings (panchayats or jirgas) outside 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 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 conducted hearings according to their interpretation of Islamic law and tribal custom”.<sup>612</sup>

The International Commission of Jurists reported in March 2017 with regards to Pakistan’s military courts that “Pakistani military courts are not independent and the proceedings before them fall far short of national and international fair trial standards. Military court judges are military officers who

---

<sup>608</sup> Bertelsmann Stiftung, [BTI 2018; Pakistan Country Report](#), 2018, p. 12

<sup>609</sup> UN Human Rights Committee, [Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 31

<sup>610</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, e. *Denial of Fair Public Trial*

<sup>611</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, e. *Denial of Fair Public Trial*

<sup>612</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, e. *Denial of Fair Public Trial*

are a part of the executive branch of the State and do not enjoy independence from the military hierarchy. They are not required to have judicial or legal training, or even a law degree, and do not enjoy any security of tenure, which are prerequisites of judicial competence and independence”.<sup>613</sup>

A September 2017 report on Pakistan by the Australian Government’s Department of Foreign Affairs and Trade described the handling by the justice system of the corruption case against Pakistan’s Prime Minister Nawaz Sharif Pakistan:

In April 2016, the release of the so-called ‘Panama Papers’—leaked documents detailing private financial information of a number of wealthy Pakistanis (including family members of Prime Minister Nawaz Sharif)—received significant attention from Pakistani media and opposition groups. In April 2017 the Supreme Court ordered the formation of a joint investigation team to look into corruption allegations against Prime Minister Sharif’s family emerging from the ‘Panama Papers’, and ordered the Prime Minister to appear before the investigation. On 28 July 2017, the Supreme Court disqualified the Prime Minister from the National Assembly and ordered a corruption investigation into his and his children’s financial dealings.<sup>614</sup>

Germany’s Federal Office for Migration and Refugees further reported on the case in July 2017: “The Pakistani Supreme Court held on 28 July 2017 that Prime Minister Nawaz Sharif is unfit to hold public office. Nawaz Sharif is accused of tax evasion, corruption and money laundering, allegedly his family is involved in with fishy and dubious financial transactions (Panama Papers). The court said that he had lied to parliament and the court. Nawaz Sharif resigned shortly after the pronouncement of the judgment and dissolved the cabinet”.<sup>615</sup>

## 6.4 Corruption in the judicial system

Freedom House noted in its annual report on Pakistan covering 2016 that The National Accountability Bureau (NAB) is Pakistan’s premier anticorruption body. In 2016 it continued to pursue dozens of “mega cases” involving investigation or prosecution of public representatives and commercial figures accused of serious corruption. Popular perception was that corruption remained endemic in public bodies.<sup>616</sup>

With regards to corruption in the judicial system the Freedom House report stated that “Over the last decade, executive interference in the higher judiciary has decreased, and the judiciary in some cases holds the executive to account. However, 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”.<sup>617</sup>

The 2017 US Department of State annual report on Pakistan stated that “Many lower courts remained corrupt, inefficient, and subject to pressure from wealthy persons and influential religious and/or political figures”.<sup>618</sup>

---

<sup>613</sup> International Commission of Jurists, [ICJ’s submission to the UN Human Rights Committee in advance of the Human Rights Committee’s examination of Pakistan’s initial report](#), June 2017, A. *The Trial of Civilians in Military Courts*, paragraph 12

<sup>614</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 5-6

<sup>615</sup> Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 31.07.2017](#), 31 July 2017, p. 4

<sup>616</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, *Functioning of Government*

<sup>617</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, *Rule of Law*

<sup>618</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, e. *Denial of Fair Public Trial*

The same source further noted that “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”.<sup>619</sup>

An August 2017 World Justice Project report on the rule of law in Pakistan presented findings from two survey conducted between May and September 2016. The report stated that “Pakistanis believe that a significant number of authorities are involved in corrupt practices. Police are viewed as the most corrupt authorities by respondents (82%) and judges and magistrates are perceived to be the least corrupt (47%). Since 2013, there has been a moderate decrease in perceived levels of police corruption, and an increase in perceived levels of corruption among judges and magistrates. Since 2014, there has been a moderate increase in perceived levels of corruption among local government officers, members of parliament, and national government officers”.<sup>620</sup>

With regards to corruption in the criminal justice system the World Justice Project report sated that:

Incompetent investigators and inadequate resources were cited as the most serious problems facing criminal investigative services in Pakistan. Inadequate alternative dispute resolution was cited as the most serious problem facing criminal courts in Pakistan. Since 2013, there has been a moderate decrease in the percentage of respondents who believe that most or all police are involved in corrupt practices (82%), and an increase in the percentage of respondents who believe that most or all judges and magistrates are involved in corrupt practices (47%). In terms of overall accountability in the criminal justice system, perceptions of the police and courts are mixed. While respondents’ views since 2013 on whether courts guarantee everyone a fair trial have decreased (39%), there has been a moderate increase in the percentage who believe that police respect the basic rights of suspects (18%). Since 2014, respondents’ views on whether police are punished for violating the law have increased (34%), and there has been a moderate decrease in the percentage of respondents who believe that police act according to the law (28%).<sup>621</sup>

Bertelsmann Stiftung country report on Pakistan (covering the period 1 February 2015 to 31 January 2017) stated that “Corruption is rife in the lower courts and the district administration, where property cases linger on for years. The military occupies valuable property in prime locations in different cities and has compulsorily acquired land in other areas”.<sup>622</sup>

Dawn reported in a March 2017 article that “Newly-appointed Chief Justice of the Sindh High Court Ahmed Ali M. Sheikh on Wednesday said that he would launch a crusade against corruption in the judiciary as he had zero tolerance for the menace. [...] The SHC chief justice said that any court staff or judicial officer found indulging in corruption would not be spared. “We want public confidence in the judiciary restored,” he said”.<sup>623</sup>

According to the results of an Fact-finding mission to Pakistan in April 2017, Nathalie Boschman, COI Expert of Cedoc (Belgium) stated “Sadly, the judicial system of Pakistan is also marred by corruption. According to our interlocutors, the main problem lays mainly with the law clerks, who write down the case process and who are easily influenced (bribes, blackmail, threats, violence). Corruption delays

---

<sup>619</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 4. Corruption and Lack of Transparency in Government*

<sup>620</sup> World Justice Project, [The Rule of Law in Pakistan](#), 25 August 2017, p. 6

<sup>621</sup> World Justice Project, [The Rule of Law in Pakistan](#), 25 August 2017, p. 6

<sup>622</sup> Bertelsmann Stiftung, [BTI 2018; Pakistan Country Report](#), 2018, II. *Economic Transformation*, p. 23

<sup>623</sup> Dawn, [New SHC CJ pledges to rid judiciary of corruption](#), 16 March 2017

also the judicial process. Document fraud is also a problem; documents can be easily forged by anyone”.<sup>624</sup>

The Report of the Office of the United Nations High Commissioner for Human Rights published in September 2017 stated that “The Committee on Economic, Social and Cultural Rights was concerned at the prevalence of corruption and the magnitude of corruption cases involving high-level officials”.<sup>625</sup> BBC News reported in July 2017 on the impact of Prime Minister Nawaz Sharif’s resignation following his indictment for corruption:

Many believe that the Supreme Court has started a process of cracking down on corruption, which augurs well for democracy. Others see this as part of a long history of political manipulation through which the country's powerful military establishment has sought to control civilian decision-making. The case hearings - spread over nearly 15 months - have been marred by controversy. The case belongs in a criminal court. The Supreme Court, which is an appellate body, initially refused to hear it. But then it not only admitted the petition for hearing, it also took the unusual step of instituting its own investigation into the case, with a dominant role for military intelligence services. Many believe that while across-the-board action against corruption may remain a pipe dream, this verdict will open the gates of power for a new set of politicians - as has often happened in the past.<sup>626</sup>

Radio Free Europe/Radio Liberty reported in December 2017 on the Supreme Court’s decision to reject a bid to disqualify an opposition politician on corruption charges:

Pakistan's Supreme Court has rejected a bid to disqualify opposition politician Imran Khan for concealing his financial assets, a charge that could have barred him from holding public office. The three-judge bench said it found no evidence that Khan had contravened the law, although the Supreme Court directed the Election Commission to investigate whether Khan's Tehreek-i-Insaf (PTI) party had received funding from abroad. The court disqualified one of Khan’s closest aides, Jahangir Tareen, as a lawmaker because of corruption charges during the same hearing on December 15. Khan was accused of concealing his financial assets, owning offshore companies, and heading a foreign-aided party. Former Prime Minister Nawaz Sharif's ruling Pakistan Muslim League-Nawaz (PML-N) party filed the petition seeking charges against Khan in November 2016. The Supreme Court disqualified Sharif from office in July over the concealment of financial assets, forcing him to step down. He has denied any wrongdoing. If he was found guilty, Khan would have been barred from holding public office, disqualified from upcoming general elections in 2018, and stripped of his membership in the National Assembly. He could also have been banned from leading the PTI.<sup>627</sup>

---

<sup>624</sup> [Nathalie Boschman] European Asylum Support Office, [EASO COI Meeting Report: Pakistan; 16-17 October 2017; Rome, February 2018](#), p. 46

<sup>625</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Compilation on Pakistan; Report of the Office of the United Nations High Commissioner for Human Rights \[A/HRC/WG.6/28/PAK/2\]](#), 4 September 2017, *Administration of justice, including impunity, and the rule of law*, paragraph 42

<sup>626</sup> BBC News, [Pakistan PM Nawaz Sharif resigns over Panama Papers verdict](#), 28 July 2017

<sup>627</sup> Radio Free Europe/Radio Liberty, [Pakistan's Supreme Court Rejects Bid To Disqualify Khan](#), 15 December 2017



## 6.5 Access to justice

### 6.5.1 Fair trial

Also see section [10 Treatment of persons with disabilities, Detention and trial of persons with disabilities](#) and section [8.2.1 Juvenile executions](#)

In its annual report on Pakistan covering 2016 Freedom House noted with regards to the activity of military courts that “These courts have convicted scores of people, at least 140 of whom received death sentences; of those, 12 people had been executed by the end of 2016. The courts have drawn significant criticism for their lack of transparency and absence of safeguards to ensure fair trials. Strikingly, the army claimed in November 2016 that over 90 percent of those convicted in the courts had given a confession”.<sup>628</sup>

The US Department of State annual report on Pakistan covering 2017 stated with regards to access to fair trial that:

Extensive 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. Delays in justice in civil and criminal cases were due to antiquated procedural rules, unfilled judgeships, poor case management, and weak legal education. [...]

Many lower courts remained corrupt, inefficient, and subject to pressure from wealthy persons and influential religious and/or political figures.

There were instances in which unknown persons threatened and/or killed witnesses, prosecutors, or investigating police officers in high-level cases.<sup>629</sup>

The International Commission of Jurists reported in March 2017 on the activity of military courts during the last two years: “In the two years since military courts were initially empowered to try civilians in connection with purported terrorism-related offences, they have convicted at least 274 civilians, including, possibly, children, in opaque, secret proceedings. They have sentenced 161 civilians to death and at least 48 civilians have been hanged after trials that are grossly unfair. In all these cases, the government and military authorities have failed to make public information about the time and place of the trials; the specific charges and evidence against the defendants; as well as the judgments of military courts, including the essential findings, legal reasoning, and evidence on which the convictions were based”.<sup>630</sup>

The same source further noted that “Pakistani military courts are not independent and the proceedings before them fall far short of national and international fair trial standards. Military court judges are military officers who are a part of the executive branch of the State and do not enjoy independence from the military hierarchy. They are not required to have judicial or legal training, or even a law degree, and do not enjoy any security of tenure, which are prerequisites of judicial competence and independence”.<sup>631</sup>

---

<sup>628</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, Rule of Law

<sup>629</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1. e. Denial of Fair Public Trial

<sup>630</sup> International Commission of Jurists, [ICJ's submission to the UN Human Rights Committee in advance of the Human Rights Committee's examination of Pakistan's initial report](#), June 2017, A. The Trial of Civilians in Military Courts, paragraph 6

<sup>631</sup> International Commission of Jurists, [ICJ's submission to the UN Human Rights Committee in advance of the Human Rights Committee's examination of Pakistan's initial report](#), June 2017, A. The Trial of Civilians in Military Courts, paragraph 12

A June 2017 joint report by Justice Project Pakistan, World Organisation Against Torture and Reprieve provides stated that “ATA’s [Anti-Terrorism Act] special courts called the Anti-Terrorism Courts, conduct trials that fall short of fair trial guarantees under the Constitution and Article 14 - particularly in death penalty cases”.<sup>632</sup>

The same source further noted with regards to death penalty cases that “Executions carried out in Pakistan often fail to fulfil the requirement of fair trial and are carried out as a consequence of torture and/or cruel, inhuman or degrading treatment in breach of Articles 7 and 14 ICCPR [International Covenant on Civil and Political Rights] and thus constitute an arbitrary deprivation of life. Christof Heyns, the former UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that many of the executions carried out by Pakistan “fall short of international norms”. [...] Additionally, on 27 September 2016, 4 UN experts urged Pakistan to halt the execution of Imdad Ali, a man with a severe mental illness, and to re-try him under international standards. The case is currently in review before the Supreme Court”.<sup>633</sup>

A joint report by the International Federation for Human Rights (FIDH) and Human Rights Commission of Pakistan (HRCP) dated October 2017 noted that “Many executions in Pakistan are the result of unfair proceedings marred by inconclusive evidence and allegations of torture to extort confessions. This is particularly the case for the military and anti-terrorism courts”.<sup>634</sup>

In a November 2017 a joint statement submitted to the Working Group on the Universal Periodic Review by the World Organisation Against Torture, the Justice Project Pakistan, Reprieve and the World Coalition against the Death Penalty reported that “Denial of the right to a fair trial is widespread in Pakistan, resulting in an unacceptably high rate of false conviction. The Ansar Burney Trust has reported that over 60% of individuals on Pakistan’s death row may be innocent. A lack of coordination and inefficiencies of the criminal justice system combined with violations of due process often lead to gross miscarriages of justice. It is, therefore, of little surprise that in October 2016 when the Supreme Court of Pakistan acquitted two brothers on the basis of contradictory evidence, it was discovered that both had been executed a year before despite their right to appeals remaining”.<sup>635</sup>

The same source further stated that “An investigating officer’s report plays a central role in criminal trials, the prosecution relies heavily on this report thereby shifting the burden on the accused to prove his or her innocence. Furthermore, Pakistani jurisprudence recognises that false testimony from a witness does not necessarily mean all evidence of that witness will be excluded; the “real task of a judge” is to extract the truth from the wider evidence, even in the face of “greater and clear falsehood””.<sup>636</sup>

A joint report by the International Federation for Human Rights and the Human Rights Commission of Pakistan dated October 2017 noted on the denial of fair trial by military courts:

---

<sup>632</sup> Justice Project Pakistan; World Organisation Against Torture; Reprieve (Author), published by UN Human Rights Committee, Pakistan, [Alternative Report to the Human Rights Committee](#), June 2017, paragraph 27

<sup>633</sup> Justice Project Pakistan; World Organisation Against Torture; Reprieve (Author), published by UN Human Rights Committee, Pakistan, [Alternative Report to the Human Rights Committee](#), June 2017, paragraph 11

<sup>634</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 3 and 4

<sup>635</sup> The World Organisation Against Torture, the Justice Project Pakistan, Reprieve and the World Coalition against the Death Penalty, [Joint Statement submitted to the Working Group on the Universal Periodic Review](#), November 2017, paragraph 41

<sup>636</sup> The World Organisation Against Torture, the Justice Project Pakistan, Reprieve and the World Coalition against the Death Penalty, [Joint Statement submitted to the Working Group on the Universal Periodic Review](#), November 2017, paragraph 43

Pakistan's use of military and anti-terrorism courts continues to contravene international human rights standards, in particular the right to a fair trial under the ICCPR [International Covenant on Civil and Political Rights]. On 22 March 2017, the jurisdiction of the military courts for trials of civilians accused of certain terrorism-related offences was extended for two more years until 6 January 2019. The trials of civilians before Pakistan's military courts are held in secret. Defendants are not given an effective right to engage legal counsel or to appeal their cases before civilian courts. The charges and evidence against them are not made public and written judgments, including the court's findings and legal reasoning, are not disclosed. Furthermore, the Army Act allows for children to be tried by military courts, notwithstanding the 2000 Juvenile Justice System Ordinance, which gives juvenile courts exclusive jurisdiction over minors and prohibits courts from imposing death sentences on juvenile offenders. Suspects tried by military courts are often detained in secret and without access to their families or a lawyer, which increases the risk of torture. It is estimated that 95% of civilian convictions by military courts are based on confessions. Anti-terrorism courts, which exclusively have jurisdiction over civilians, also hold certain trials in secret thus raising the same concerns as noted for military courts with regard to procedural safeguards. Concerns have been raised about the admissibility of confessions made in police custody as evidence before anti-terrorism courts, under Article 21(h) of the Anti-Terrorism Act. In addition, under Article 3 of the 2002 Anti-Terrorism (Second Amendment) Ordinance, authorities continue to be granted discretion to detain those listed on the government's "terrorism list" for up to one year without filing specific criminal charges.<sup>637</sup>

A February 2018 Research Society of International Law report described the main problems encountered in anti-terrorism trials:

The actual trial process of the ATCs [Anti-Terrorism Courts] is also littered with various challenges and defects. There are often violations of the fundamental rights guaranteed under Articles 9 (Right to life or liberty) and 10-A (Right to fair trial) of the Constitution of Pakistan, 1973. These abuses of the law arise due to various reasons including trials in absentia, significant delays in the disposal of cases, inconsistency in the standards of evidence applied by judges, and denial of remissions to the convicted etc. One other significant issue faced by the involved parties is the lack of witness protection initiatives as required by the 2014 amendment to the ATA (that provided for the protection of judges, witnesses and prosecutors). Since it is not being implemented effectively there exists a high risk of witness intimidation and consequently many witnesses turn "hostile", damaging the prosecution's case. Also, in most terrorism cases witnesses refuse to come forward and thus there is often a lack of direct evidence in the form of eye witness testimony in most terrorism cases. Furthermore, pursuant to Section 21-D (1) ATA, only an ATC, High Court or Supreme Court may grant bail of a suspect charged with an ATA offence, thereby reducing his chances of being granted bail or delaying his chances of receiving bail. This is a grave infringement of an individual's right to liberty, especially when the charge may have been levied by an unscrupulous complainant or a corrupt police official.<sup>638</sup>

The Human Rights Commission of Pakistan described in February 2018 the denial of trial for a person accused of blasphemy:

The Human Rights Commission of Pakistan (HRCP) is outraged that the case of Junaid Hafeez, who was arrested in March 2013 after a student group accused him of blasphemy, has been transferred to yet another new judge and his right to a fair trial has been further undermined. It is feared that if a fair trial is not ensured this time round, Mr. Hafeez may end up spending another 5-10 years in prison. Mr. Hafeez's trial has been dragging on for several years due to frequent transfers of presiding judges, absence of prosecution witnesses, and other reasons beyond the defendant's control. For example, in May 2014, Rashid Rehman, a regional coordinator for HRCP and the lawyer representing Mr. Hafeez,

<sup>637</sup> Human Rights Commission of Pakistan (Author), published by FIDH – International Federation for Human Rights, [Update for the 8th European Union \(EU\) – Pakistan - Joint Commission's Subgroup on Governance and Human Rights](#), 9 October 2017, p. 3-4

<sup>638</sup> Research Society of International Law, [Counter-Terrorism and Human Rights: A Review of Anti-Terrorism Court Trial Procedure in Pakistan](#), February 2018, p. 10 and 11

was gunned down inside his office in Multan. Subsequently, finding a legal representative proved extremely difficult for Mr. Hafeez's family. The current turn in the case has therefore made Mr. Hafeez's situation untenable.

The transfer of Mr. Hafeez's case to a new judge when the defence has already tested the prosecution's account – and the trial is near conclusion – seriously undermines the defendant's right to a fair trial. A new judge at this stage will fail to understand the nuances of cross-examination because it was conducted before another judge. It will certainly lead to an inordinate delay in the disposal of the case and add to the suffering of the accused. Mr. Hafeez has a legitimate expectation that the judge who heard the case through cross-examination of the prosecution's witnesses and challenges to its evidence preside over the concluding stages of the trial.

The situation is made worse by the fact that Mr. Hafeez has been detained in solitary confinement since May 2014 in a high security prison in Multan. Jail authorities claim this is so because he faces a threat to his life even inside the prison. Furthermore, Mr. Hafeez's lawyer has been denied an opportunity to meet him in private in prison.<sup>639</sup>

### 6.5.2 Due process and procedural guarantees

The US Department of State annual report on Pakistan covering 2016 stated with regards to access to fair trial that

The civil, criminal, and family court systems provide for a fair trial and due process, presumption of innocence, cross-examination, and appeal. There are no trials by jury. 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. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants made frequent court appearances.<sup>640</sup>

Justice Project Pakistan noted in a September 2016 report on the application of death penalty that "Inadequate training and resources, widespread corruption, a culture of police brutality, an inadequate indigent defense system, and ineffective trial courts have created a permissive environment for the routine miscarriage of justice. Despite numerous efforts at reform, the system remains incapable of reliably administering the irreversible sanction of death".<sup>641</sup>

The same source further stated that "Examination of Pakistan's criminal justice system reveals striking flaws throughout the adjudicatory process. At each stage—arrest, charging, trial, appeal, and confinement—Pakistan fails to protect defendants' fundamental rights".<sup>642</sup>

With regards to situation of prosecutors and judges the Justice Project Pakistan report stated that "Prosecutors are also underfunded and ill-equipped. According to one former prosecutor, "Weak cases come to trial because 'prosecutors do not want to weed out cases [since] they believe it makes them look weak or dishonest.'" Oftentimes, "prosecutors do not speak to witnesses until the case

---

<sup>639</sup> Human Rights Commission of Pakistan, [HRCP decries denial of fair trial to blasphemy accused](#), 9 February 2018

<sup>640</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. e. Denial of Fair Public Trial

<sup>641</sup> Justice Project Pakistan, [A "Most Serious Crime": Pakistan's Unlawful Use of Death Penalty](#), September 2016, p. 6

<sup>642</sup> Justice Project Pakistan, [A "Most Serious Crime": Pakistan's Unlawful Use of Death Penalty](#), September 2016, p. 6

comes to court, undermining their effectiveness against the defense, and making them over-dependent on the police. The lower courts, which play an essential gatekeeping function for fair trials, “are in poor shape [due to] limited resources, lack of professionalism, and incompetence.” Judges are overworked, underpaid, and receive only two months of training upon appointment”.<sup>643</sup>

The same report noted on the procedural guarantees for persons with disabilities stating that “While in theory, Pakistani law provides safeguards to prevent the execution of those mentally ill at the 246 time of the offense, and permits the defense of legal insanity, in practice, Pakistan sentences to death and executes prisoners who suffer from mental illness. The lack of mental health treatment and training in the criminal justice system, as well as in Pakistan generally, means that many individuals never even get diagnosed. The dearth in procedural safeguards upon arrest and in the course of trial results in the sentencing to death of many mentally ill persons”.<sup>644</sup>

The same source further stated that “Aside from poor quality of representation, limited time and resources further handicap the legal defense that capital defendants in Pakistan are able to mount. Counsel is often assigned to indigent defendants 145 once a trial is already under way, and as a result defense attorneys are rarely involved in investigations, nor provided sufficient time and resources to expend upon parallel inquiries”.<sup>645</sup>

On procedural safeguards for persons sentenced to capital punishment the Justice Project Pakistan report stated that “Article 14(5) of Pakistan’s Constitution provides for the right to appeal death sentences. The provincial high courts hear appeals and are required to automatically review death sentences. The highest level of 172 appeal for criminal cases is the federal Supreme Court. Although guaranteed on paper, the appeals process is often so slow as to be rendered ineffective in practice. Inadequate procedural safeguards at the pre-trial and trial stages for capital defendants are reproduced and compounded at the appellate level. Defendants have difficulty exercising their right to appeal due to “severe backlogs at both trial and 173 appellate levels.” Delays in the appellate process are compounded by “an acute nation-wide shortage 174 of judges”. ”<sup>646</sup>

The US Department of State annual report on Pakistan covering 2017 noted that “Delays in justice in civil and criminal cases were due to antiquated procedural rules, unfilled judgeships, poor case management, and weak legal education”.<sup>647</sup> Furthermore, “There were reports of persons arrested or detained who were not allowed to challenge in court the legal basis or nature of their detention, obtain relief, or receive compensation”.<sup>648</sup>

The International Commission of Jurists reported in its June 2017 submission to the UN Human Rights Committee that “Suspects tried by military courts were often kept in secret detention and family members, lawyers and NGOs did not have access to them; military proceedings were completely

---

<sup>643</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 7 and 8

<sup>644</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 31

<sup>645</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 18

<sup>646</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 20

<sup>647</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, 1.e Denial of Fair Public Trial

<sup>648</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, 1.d Arrest procedures and treatment of detainees

secret and closed to the public; and the right to appeal to civilian courts was not available. Without any access to the outside world, the detainees were at high risk of torture and ill treatment.<sup>649</sup>

The Nation reported in November 2016 on a criminal case that spanned over 24 years:

The acquittal of a murder accused after 24 years and two real brothers' hanging has put a serious question mark on the country's judicial system.

The apex court acquitted Mazhar Farooq, a resident of Kaseer Singhwala in district Kasur, in a murder case on Friday last due to a weak prosecution and evidence, directing his immediate release. He, however, had to spend prime period of his life behind bars.

The case reminded the more shocking incident of the apex court's acquittal of the two real brothers who had been executed about one year back. Mazhar Farooq was lucky in the sense that he was not hanged like Ghulam Sarwar and Ghulam Qadir.

Religious scholars, leading jurists and human rights activists expressed concerns over inordinate delay in dispensation of justice and disposal of cases, suggesting improvement in the existing laws, reforms in the judicial system and recruitment of judicial officers against vacant posts to end backlog of pending cases.

JUI-F's [Jamiat Ulema-e Islam] senior leader, Hafiz Hussain Ahmed, held the judicial system of the British era responsible for delay in dispensation of justice. "Justice delayed is justice denied and it is due to shortcomings in the prevailing judicial system and rampant corruption right from registration of an FIR to final verdicts," he said.<sup>650</sup>

In its Concluding observations on the initial report of Pakistan, published June 2017, the UN Committee against Torture noted on the application of the counter-terrorism legislation that:

While recognizing the State party's ongoing efforts to protect its population from violence by certain non-State terrorist groups, the Committee is deeply concerned that its counter-terrorism legislation, particularly the Anti-terrorism Act, 1997, eliminates legal safeguards against torture that are otherwise provided to persons deprived of their liberty. That legislation allows security agencies and civil armed forces to detain any person suspected of committing an offence under the Act for up to three months without review or the possibility of lodging a habeas petition, and allows the detention without trial of up to a year of any person suspected of being involved in the activities of a proscribed organization. The Committee is also concerned that the Act allows courts to admit confessions as evidence as long as the district superintendent of police was present when the accused confessed, in contrast with civil courts where confessions are admissible in court only if they are made to a magistrate. The Committee is deeply concerned that the State party has authorized military courts to try civilians for terrorism-related offences, most recently in 2017 under the twenty-third amendment to the Constitution, particularly in view of the lack of independence of military court judges, which are within the military hierarchy. The Committee is also deeply concerned about the practices of such courts, including the holding of closed trials. Furthermore, the Committee is concerned by the very broad powers given to the Army to detain people suspected of involvement in terrorist activities without charge or judicial supervision in internment centres under the Actions (in Aid of Civil Power) Regulation, 2011 (arts. 2 and 15).<sup>651</sup>

A February 2018 Research Society of International Law report noted with regards to anti-terrorism trial procedures that:

---

<sup>649</sup> International Commission of Jurists, [ICJ's submission to the UN Human Rights Committee in advance of the Human Rights Committee's examination of Pakistan's initial report](#), June 2017, A. *The Trial of Civilians in Military Courts*, paragraph 17

<sup>650</sup> The Nation, [Corruption in judicial system delays justice](#), 27 November 2016

<sup>651</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Torture in the context of counter-terrorism efforts*, paragraph 12



The police deal fatal blows to the prosecution's case by committing procedural defects such as delaying the lodging of an F.I.R [First Information Report], improperly registering the F.I.R, misidentifying the roles of the accused and nominating an unnecessary number of persons as the accused. Although the investigation commences with the registration of an F.I.R, there is an overreliance on its importance with consequently little attention paid to the actual crime scene. All these oversights significantly damage the prosecution's case and contribute to the high rate of acquittals in ATC [Anti-Terrorism Courts] cases. Furthermore, potential human rights abuses are prevalent while arresting suspects, as well as under the remand procedure of ATA [Anti-Terrorism Act]. These violations mostly arise due to the failure to follow the proper procedures (excessive use of force, fake encounters, inconsistent case diaries, etc.) and the misapplication of the relevant provisions.<sup>652</sup>

### 6.5.3 Legal representation

Justice Project Pakistan stated in a September 2016 report on the access to legal representation for capital defendants stating that “Though Pakistan provides indigent capital defendants with counsel at state expense, the quality of representation is poor. The International Federation for Human Rights notes that, for the most part, 136 state-appointed counsel are ‘young and inexperienced lawyers, or briefless ones.’ Furthermore, 137 Pakistan does not provide for recourse to justice due to incompetent or ineffective counsel. More than half of the defendants in the cases reviewed suffered from inadequate representation by state-appointed lawyers in the early stages of their cases. In some, egregious errors by these lawyers directly resulted in convictions based on false testimony and in the execution of juveniles and members of other vulnerable groups that are owed special protection under international law”.<sup>653</sup>

The Nation reported in a December 2016 on the conclusions of Pakistan’s Prison Reform Committee report on prison conditions stating that “Asma Jahangir, who appeared on behalf of the Prison Reform Committee, said that under-trial prisoners have no access to legal aid and in most cases, they were not even aware of the date when they have to appear before a court”.<sup>654</sup>

According to the US Department of State annual human rights report on Pakistan covering 2017 “The civil, criminal, and family court systems provide for a fair trial and due process, presumption of innocence, cross-examination, and appeal. There are no trials by jury. 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. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants made frequent court appearances”.

The same source further detailed on the availability of legal representation, “The government provided state-funded legal counsel to prisoners facing the death penalty, but it did not regularly provide legal representation in other cases. The constitution recognizes the right of habeas corpus and allows the high courts to demand that a person accused of a crime be present in court. The law

---

<sup>652</sup> Research Society of International Law, [Counter-Terrorism and Human Rights: A Review of Anti-Terrorism Court Trial Procedure in Pakistan](#), February 2018, p. 9 and 10

<sup>653</sup> Justice Project Pakistan, [A “Most Serious Crime”: Pakistan’s Unlawful Use of Death Penalty](#), September 2016, p. 16

<sup>654</sup> The Nation, [Ombudsman’s report calls for extensive jail reforms](#), 14 December 2016

allows citizens to submit habeas corpus petitions to the courts. In many cases involving forced disappearances, authorities failed to present detainees according to judges' orders".<sup>655</sup>

Regarding the special legal provisions applicable in the Federally Administered Tribal Areas (FATA) the US Department of State report noted that "The FCR [Frontier Crimes Regulation] provides the framework for law and order in FATA, implemented through appointed political agents who report to the governor of KP. The court system and judiciary do not have jurisdiction in FATA. Under the FCR, the trial by jirga (an assembly of community leaders that makes decisions by consensus) does not allow residents legal representation. If the accused is an adult man, he normally appears before the jirga in person to defend his case. Parents normally represent their minor children, and men normally represent their female relatives. Observers often criticized the FCR for harsh provisions. In 2011 authorities amended some of these provisions, including modifying the collective responsibility of a tribe, restricting the arbitrary nature of the powers of political agents or district coordination officers, and granting citizens limited rights to challenge the decisions of political agents in a codified tribunal system".<sup>656</sup>

In a September 2016 report the World Organisation Against Torture provided an overview of legal representation for capital defendants:

The Government of Pakistan provides legal representation at state expense for capital defendants. However, due to the lack of minimum standards governing qualifications, performance and experience of those who can serve as defence counsels in capital cases, state-appointed lawyers are for the most part young and inexperienced lawyers who have little to no expertise in capital cases. Additionally, state-appointed lawyers are often assigned to indigent defendants once a trial is already under way, and as a result defence attorneys rarely are involved in investigations, nor provided sufficient time and resources to expend upon parallel inquiries. Additionally, the remuneration provided to these lawyers is grossly inadequate thereby making them susceptible to influence from the complainant and/or police. The problem is further exacerbated by the fact the Pakistan does not provide any recourse for retrial or redress as a result of incompetent or ineffective counsel. The Supreme Court of Pakistan also routinely dismisses applications for post-conviction review that raise potentially exculpatory evidence that was not raised at trial even if as a result of incompetent state counsel.<sup>657</sup>

Justice Project Pakistan described in a February 2017 report the legal assistance available for juvenile offenders:

Pakistan has also failed to provide children with legal assistance when they come in contact with the law despite it being right guaranteed under the JJSO. Panels of lawyers constituted by the provincial governments to fulfil the right remain ineffective due to a lack of budgetary allocation resulting in negligible remuneration. Based on UNICEF estimates, almost 89 percent of children charged with bailable offences are in prison primarily because of their inability to afford a lawyer. Lack of legal aid also means that juveniles are also less likely to raise juvenility pleas during investigation and trial, and therefore, fall outside the ambit of the JJSO. As discussed in this report, courts are extremely unlikely to admit pleas of juvenility raised during appeals or post-conviction reviews. This results in countless juvenile offenders being sentenced to death and executed. Despite the JJSO's explicit obligation to establish separate juvenile courts in all provinces, not a single juvenile court exists in the country. The Government attempts to get around this obligation by notifying regular District and Sessions Judges, Additional District and Sessions Judges, Senior Civil Judges and Judicial Magistrates as special juvenile

---

<sup>655</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, 1.d. *Arrest procedures and treatment of detainees*

<sup>656</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, 1.e *Denial of Fair Public Trial*

<sup>657</sup> World Organisation Against Torture, [Economic, Social and Cultural Causes of the Death Penalty and Torture in Pakistan](#), September 2016, p. 4

courts. Therefore, regular judges are empowered to act as juvenile judges alongside discharging their regular duties. However, judges notified as “Juvenile Judges” are hardly ever provided with additionally training to sensitize them on how to deal with juvenile offender in a manner consistent with human rights standards. Additionally, the designated courts do not abide by most safeguards provided under the JJSO – courts remain open to the public and cases for juveniles are heard alongside those for adults. Furthermore, juvenile judges are often overburdened resulting in a slow judicial processes which lead to juveniles being detained for even longer than adults.<sup>658</sup>

A September 2017 report on Pakistan by the Australian Government’s Department of Foreign Affairs and Trade stated that “Defendants in criminal trials are entitled to the presumption of innocence and are allowed legal representation, although such representation is usually self-funded. Judicial practice in Pakistan tends to favour witness testimony over forensic or other types of evidence. Pakistan abolished trial-by-jury in the 1960s. There are credible reports of corruption in the judicial system, as well as intimidation of the judiciary, particularly in religiously sensitive cases, such as those involving blasphemy. The judicial system is overburdened, and cases can take years to finalise”.<sup>659</sup>

In a November 2017 report the Justice Project Pakistan stated with regards to access to legal representation that:

International law provides all defendants with the right to effective legal counsel. The UN Human Rights Committee has stated that this right is particularly important in cases of death penalty. Accordingly in Pakistan, the High Court Rules provide access to a lawyer at state expense for cases where the punishment is death or imprisonment for life. However, these lawyers are often only engaged once the trial is underway. As a result, the accused remains unrepresented during all stages of arrest, police remand and investigation, where as described above, he is vulnerable to many forms of intimidation and abuse particularly due to the relaxed procedural safeguards under the ATA. This inevitably means that the accused is also without counsel to challenge the jurisdiction of the Anti-Terrorism Courts over his offence. Additionally, the lawyers appointed at state expense are selected of a list of volunteers, maintained by High Court Judges and appointed by the Advocate General’s office. These volunteers inevitably comprise of young and inexperienced lawyers or those who are unable to find work on their own. In the absence of minimum quality standards, the quality of legal representation provided by these lawyers is poor, with most never appearing for hearings and/or meeting with the clients.<sup>660</sup>

In February 2018 Human Rights Watch noted with regards to persons accused of blasphemy that “Blasphemy suspects often find it extremely difficult to find legal representation because of threats and violence against legal counsel”.<sup>661</sup>

#### 6.5.4 Legal remedies

The US Department of State annual report on Pakistan covering 2017 stated that “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. Individuals and organizations could

---

<sup>658</sup> Justice Project Pakistan, [Death Row’s Children. Pakistan’s Unlawful Executions of Juvenile Offenders](#), February 2017, p. 17

<sup>659</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 37

<sup>660</sup> Justice Project Pakistan, [Trial and Terror: The Overreach of Pakistan’s AntiTerrorism Act](#), 14 November 2017, *Lack of Effective Legal Representation*, p. 20-21

<sup>661</sup> Human Rights Watch, [Pakistani Professor’s Endless Blasphemy Trial](#), 5 February 2018

not appeal adverse decisions to regional human rights bodies, although some NGOs submitted human rights “shadow reports” to the EU and other international actors”.<sup>662</sup>

The same source further noted that “Poor security, intimidation by both security forces and militants, and control by government and security forces over access by nonresidents to FATA impeded the efforts of human rights organizations to provide relief to victims of military abuses and efforts of journalists to report on any such abuses”.<sup>663</sup>

Justice Project Pakistan described in a February 2017 report the access to legal remedies for juvenile offenders

Pakistan has also consistently failed to set up juvenile courts, borstal institutions and provisions for effective legal aid for juveniles as provided under the JJSO [Juvenile Justice System Ordinance]. In a context marred with low birth registration and a lack of sensitization of law enforcement and judiciary to juvenile delinquency, a significant number of juvenile offenders fall outside the few institutional safeguards actually implemented in practice. As a result, the juvenile justice system is rarely applied to those it is designed to protect, resulting in a significant number of death sentences being meted out to juvenile offenders. Once sentenced these juvenile offenders are denied effective recourse to appeals and post-conviction reliefs, even in the face of exonerating evidence. All of these aforementioned problems constitute violations of international law and taken together reveals a broken criminal justice system that fails to protect juvenile offenders from the most severe and irreversible form of punishment – the death penalty.<sup>664</sup>

The UN Committee against Torture reported in its Concluding Observations to the initial report of Pakistan, published June 2017 that:

While noting that the legislation of the State party guarantees legal safeguards such as prompt access to a lawyer, family access and the requirement that all arrested persons must be presented to a magistrate within 24 hours of detention, the Committee is concerned about reports that these safeguards are not provided in practice. The Committee is further concerned by the lack of effective implementation of the right to request and receive an independent medical exam promptly upon deprivation of liberty and that not all detained persons are recorded promptly in a comprehensive central detention register that is accurate and accessible to family members of detainees.<sup>665</sup>

The same source further stated that “The Committee is concerned about reported discrepancies in the administration of justice, including with respect to the jurisdiction of the Federal Shariat Court, which create difficulties for victims of torture who seek justice, as referenced by the Special Rapporteur on the independence of judges and lawyers (see A/HRC/23/43/Add.2). The Committee is particularly concerned about reports that women victims of torture face numerous obstacles in accessing justice, which leads to impunity and other violations of the Convention”.<sup>666</sup>

---

<sup>662</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, 1.e *Denial of Fair Public Trial*

<sup>663</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, 1. g. *Abuses in Internal Conflict*

<sup>664</sup> Justice Project Pakistan, [Death Row’s Children. Pakistan’s Unlawful Executions of Juvenile Offenders](#), February 2017, p. 10

<sup>665</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, paragraph 16

<sup>666</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Enforcement of the Convention by the judiciary and access to justice*, paragraph 18

The UN Committee against Torture noted with regards to the National Human Rights Commission that:

While welcoming the State party's creation of the National Human Rights Commission in 2015, the Committee is deeply concerned that the Chairman of the Commission did not receive the reportedly required authorization and as a result, staff of the Commission were unable to participate in a private meeting with the Committee just prior to the interactive dialogue with the State party. The Committee is also deeply concerned that the legislation providing for the creation of the Commission states that the Commission cannot inquire into the practices of the intelligence agencies and is not authorized to undertake full inquiries into reports of human rights violations by members of the armed forces. The Committee welcomes the significant increase in funding provided to the Commission. However, it is concerned that further resources, including personnel, are required for the Commission to effectively monitor respect for human rights throughout the country (arts. 2 and 12-13).<sup>667</sup>

Similarly, the UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

While welcoming the establishment of the National Commission for Human Rights in 2015, the Committee is concerned that the Chairman of the Commission reportedly did not receive the required authorization to travel to Geneva to meet with the Committee and that there are indications that the Commission is not fully independent. The Committee is also concerned that, according to its constitutive status, the Commission is prevented from fully cooperating with United Nations human rights mechanisms, cannot inquire into the practices of the intelligence agencies and is not authorized to undertake full inquiries into reports of human rights violations by members of the armed forces (art. 2).<sup>668</sup>

## 7. Situation of women

### 7.1 Societal perception/attitudes

In a March 2017 research report on 'Men and intimate partner violence' (IPV) the Overseas Development Institute concluded "that deeply rooted patriarchal norms around femininity and masculinity and expectations about how a wife should behave are critical drivers of IPV".<sup>669</sup>

The same report stated that "In Pakistan, it was noted that even if women had a good relationship with their husband, they were not '*allowed*' to have a job, '*go outside anywhere, meet anyone*', and were expected to '*stay at home*' as soon as they reached puberty."<sup>670</sup>

The Express Tribune stated in an article published in March 2017:

[E]ven in the educated, urban centres of Pakistan, a strict demarcation of gender roles continues to persist. So while in this particular strata, women are applauded for educational and career-related achievements, there is a 'primary' responsibility on their shoulders that they must continue to slug along silently; that of household chores, child rearing, and caregiving.

---

<sup>667</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Enforcement of the Convention by the judiciary and access to justice*, paragraph 20

<sup>668</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 9

<sup>669</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 7.3.1 Norms around femininity and masculinity leading to IPV

<sup>670</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 7.3.2 Norms limiting girls' and women's freedoms, including their movement, resulting in IPV

To maintain 'peace' and 'balance' at home is inevitably expected of daughters, wives, and daughters-in-law even if on the financial end, their roles may have changed considerably. Many women today contribute financially to their homes, but are still not 'let off' from fulfilling socially-prescribed duties inside the house. When questioned, such attitudes claim to trace their legitimacy from the rules laid down by religion. Women's status as equals in the private and the public sphere is inseparably linked. So even though more women are entering the workforce now than ever before, until and unless they achieve an improved status in the context of the 'family', this emancipation might end up burdening them more. [...] Jamila Aslam, a Supreme Court advocate, says the laws need to be 'revisited', not 'reinterpreted'. Implementation and interpretation of laws on matters such as 'khula' (divorce initiated by a woman) and inheritance that have long been the bane of existence for champions of gender equality need to be revisited in light of changing realities. "It's like a boy's club. Those who are in charge of interpreting the law over the years have been inclined to protecting men," she says.<sup>671</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) comprised of seventeen non-governmental organizations stated in April 2017:

The institute of family in Pakistan has all the hallmarks of a patriarchy, where men are the primary authority figures and women are subordinates. The preference for sons due to their productive role often dictates the allocation of household resources in their favour. Traditionally, male members of the family are given better education and are equipped with skills to compete for resources in the public arena while female members are imparted domestic skills to be good mothers and wives. Autonomy lies with the male members of the family, and women's access to and control over property, employment, education, health, etc, is restricted. Although the legal age of consent for marriage is 16 to 18 years and polygamy is restricted – though still legally permissible – very few repercussions exist and both are still carried out under various guises of culture and religion. Practices like Vani, Dowry, Vatta Satta, Marriage to Quran, occurring primarily due to disputes over property or to regulate women's share, are perpetuated by women's own family members.<sup>672</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned at the provisions discriminating against women in the legislation of the State party. The West Pakistan Muslim Personal Law (Shariat) Act, 1962, for example, which permits polygamy and provides that a daughter is entitled to receive only half as much inheritance from her parents as a son would receive, contributes to the large gender disparity in landownership. The Qanun-e-Shahadat Order (Law of Evidence), 1984, stipulates that the value of women's court testimony is half that of a male witness. It is also concerned that women are facing difficulties in seeking judicial remedies because law enforcement officials and judges lack awareness of women's rights, because women lack awareness of their own rights and of the judicial procedures to claim those rights, because women do not trust the justice system and because there is insufficient free legal assistance (art. 3).<sup>673</sup>

The Australian Government's Department of Foreign Affairs and Trade (DFAT) country information report of September 2017 stated:

Women in Pakistan tend to live in segregation from men, particularly from men outside their families. According to the World Economic Forum's 2016 Global Gender Gap report, Pakistan is ranked 143<sup>rd</sup> out of 144 countries in terms of its gender equality in the economy, politics, education and health. Women are able to participate actively in society in some parts of the country, particularly large urban centres

<sup>671</sup> Express Tribune, [With changing social realities, need for revisiting women's rights laws in Pakistan](#), 8 March 2017

<sup>672</sup> The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) [A Joint Civil Society Shadow Report](#), April 2017

<sup>673</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 33



such as Lahore, but women in more conservative, particularly rural, areas face significant restrictions on their activities. Women in many parts of the country are prevented from having contact with men other than their relatives. Women displaced by security operations in FATA were often reportedly unable to come out and stand in line for food rations and other supplies. Female-headed households in this situation were unable to provide for their families. Women and girls can be exchanged as a means of settling disputed between families, particularly in rural and tribal areas. Traditional and cultural norms in these areas often prevent women from voting in elections.<sup>674</sup>

Dawn.com reported in November 2017:

Of the 153 countries ranked for women's inclusion, justice and security, Pakistan was ranked at number 150, with the highest discrimination against women in the world and the lowest financial inclusion. Women's average years of schooling in the country stands at only five years, while only 33 per cent of Pakistani women have been found to use cellphones. Only 24pc of Pakistani women are employed, while their share of seats in parliament stands at only 20pc. The report, published by the Georgetown Institute for Women, Peace and Security in partnership with the Peace Research Institute of Oslo, claims that 1.09 males are born for every female born in Pakistan, which is higher than the 1.05 natural demographic rate, meaning that Pakistanis have a son bias. It also identifies around 500,000 "missing girls" in Pakistan between 2010-15, which indicates that half a million more female children should have been born in the country during the period were it not for the son-bias. It also states that 73pc of Pakistani men do not find it perfectly acceptable for women in their family to work outside their homes. It only gets worse: about 27pc of Pakistani women have faced violence from their intimate partners, while only 51pc of women feel safe working alone at night in the city or the area that they live in.<sup>675</sup>

In a joint submission to the Universal Periodic Review in November 2017 a coalition of NGOs stated:

[L]ack of privacy and resulting implications remain one of the biggest barriers in the establishment of gender equality. Victim blaming is commonplace, and any breach of personal information including pictures can result in dire consequences for the victim, including lifelong character assassination, sex-shaming, workplace and societal discrimination, damage to psychosocial health, forced marriage, and child marriage. The understanding of 'consent' remains largely unclear in the Pakistani society, and it is not uncommon for individuals to take pictures, make videos, record audios, or violate privacy through other means in personal and professional spaces. This is especially problematic if the target is a woman or a girl. In some instances, such activities result in sexual violence through blackmail or doxing of private information. One such example is that of slain social media celebrity, Qandeel Baloch, whose personal information was leaked by popular journalists, which contributed to her murder by her own brother.<sup>676</sup>

The same report stated that "most online commentators exercise a degree of self-censorship when writing on topics such as [...] women's [...] rights."<sup>677</sup>

The United Nations Population Fund reported in November 2017 that:

In rural Pakistan, many people consider it shameful or unorthodox for women to work outside the home. According to a 2012 survey in Pakistan, 70 per cent of respondents said that when women work, their children suffer. Many of the midwives faced these attitudes, as well. "My in-laws and other relatives were against me," said Shabana Jabir Ansari, 27, from Mushtrika Colony. "Sometime due to my duties – morning and evening shifts – people said negative comments. That hurt me." Fozia Foto,

---

<sup>674</sup> Australian Government, [DFAT country information report](#), 1 September 2017

<sup>675</sup> Dawn.com, [Pakistan ranked fourth among worst countries for women](#), 29 November 2017

<sup>676</sup> Bytes for All, Pakistan; Media Matters for Democracy; Ending Violence Against Women and Girls (EVAWG) Alliance; Association for Progressive Communications; Vision Pakistan; Neengar Society, Joint Submission for Pakistan's Review under the Third Cycle of UPR [Privacy Rights Under The Lens](#), paras 27 to 28 November 2017

<sup>677</sup> Freedom House, [Freedom on the Net 2017 – Pakistan](#), 14 November 2017

32, had the same experience in Hussain Khan Laghari Village. “I was the first girl who studied in my family and the first to become a midwife, so initially our relatives were against me,” she said. She stayed in hostels while enrolled in the midwifery school, which critics also used against her. “People said that I was living alone at the school and said so many bad things about my character,” she remembered.<sup>678</sup>

With regards to digital/social media, Freedom House in its annual report on ‘Freedom on the Net’ covering 2017 stated:

The digital divide between men and women in Pakistan is among the highest in the world as a result of religious, social, and cultural restrictions on women owning devices. Even women who have access are likely to have their digital activities heavily monitored by family members and other social connections. Women who are active online report high levels of online harassment that discourages greater utilization of ICTs. Reports of harassment are frequent, and at least one woman was killed during the reporting period in reprisal for sharing images of herself on social media.<sup>679</sup>

The March 2017 Overseas Development Institute report discussed the role of social media in shaping intimate partner violence attitudes:

In all countries, social media (including TV, the internet and mobile phones) plays a mixed role in shaping IPV [intimate partner violence] attitudes and practices. On the one hand, it was seen to be an important vehicle for awareness-raising around gender equality, publicising new acts and legislation to support women [...] On the other hand, social media was considered to be putting women in danger. In Pakistan, there was concern among a number of male respondents that exposure to social media was challenging traditional gender norms. Men repeatedly brought up Indian soap operas as misleading women and teaching them to become ‘free’: *‘In the beginning, it was good, women were treated well with strictness, and they were not left alone in marriage ceremonies and outings. Man used to order his wife. But now, woman order her husband. Our women have seen those Indian dramas and they have learnt back-biting from these dramas, and they see their dresses and shoes and wish to wear them in marriages. So in this way our women are getting free now.’* (21-year-old man, Deh Chohar)<sup>680</sup>

## 7.2 (Basic) socio-economic rights

The Bertelsmann Stiftung BTI 2018 Country Report covering the period from February 1, 2015 to January 31, 2017 stated:

Discrimination against women is endemic. The World Bank’s World Development Indicator lists Pakistan’s literacy rate as 56.4%, but there is a large gender differential: male literacy is 69.6% while female literacy is 42.7. The Gender Parity Index for gross enrollment ratio shows that girls are disadvantaged relative to boys at the primary level (0.9) and secondary level (0.8) but advantaged at the tertiary level (1.1). According to World Bank Development Indicator, females accounted for 22.3% of the labor force in 2014, having increased incrementally from 16.8% in 2004. The Islamic law of inheritance, which gives property rights to women, is not fully observed. In most parts of the country, women are deprived of education and job opportunities. Minority rights are not respected by the majority and the state has failed to protect their rights. In addition, the economic conditions of Christians and Hindus are below the national average. In one positive development, a Hindu Marriage Bill was passed in 2015 setting rules for registering marriage and divorce in the Hindu community. This move potentially increases the legal recourse available to Hindu women in the case of civil disputes related to remarriage.

---

<sup>678</sup> United Nations Population Fund reported in November 2017 that in Pakistan

<sup>679</sup> Freedom House, [Freedom on the Net 2017 – Pakistan](#), 14 November 2017

<sup>680</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 7.

[...] Female exclusion, especially among the rural poor, is dire. The GEM Report places Pakistan among a small group of countries with extreme disparities such that the poorest rural women have obtained less than a year of schooling. The Gender Parity Index shows women to be disadvantaged at the primary education level, with a score of 0.9, and the secondary level, with a score of 0.8, although they are advantaged at the tertiary level with a score of 1.1. The gap between rates of male literacy (69.6%) and female literacy (42.7%) is stark, with women well below the overall literacy rate of 56.4%.<sup>681</sup>

In a joint submission to the UN Universal Periodic Review Working Group of March 2017, Asian Legal Resource Centre and other NGOs stated:

According to the World Economic Forum's (WEF) Global Gender Gap Report 2016, Pakistan ranks as the second- worst country in the world for gender inequality, for the second consecutive year. [...] The Report found that the gender parity in terms of health education, economic opportunity, and political empowerment between the genders has been deteriorating.<sup>682</sup>

Amnesty International stated in its submission to the UN Committee on Economic, Social and Cultural Rights in May 2017:

In relation to article 11 of the Covenant ("an adequate standard of living"), the "right to food" and "the right to water" remain key areas of concern given Pakistan's agrarian economy and its vulnerability to climate change. These rights are also linked to the right to health (article 12) and have serious implications for the wellbeing of women and children (article 10). [...] Women and girls, especially in the arid regions of Sindh, Balochistan and Southern Punjab, have to travel long distances every day to draw water for household use. The burden of fetching water affects women's health, and often prevents girls from attending school.<sup>683</sup>

In July 2017 the Asian Human Rights Commission reported:

Women are deliberately kept at the receiving end of socio economic and cultural discrimination and prejudice that hampers their empowerment. State institutions unfortunately do little more than pay lip service to the cause of emancipation of women.<sup>684</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan (HRCP) noted that "The vast majority of men and women of Pakistan's two-thirds rural population work in agriculture, livestock, forestry, fisheries, and the food processing agro-industry. With growing cycles of extreme weather trends, e.g. droughts and floods, there is a huge impact of the environment on agriculture, resulting in fluctuating household incomes and increasing multi-dimensional poverty challenges. The government acknowledges that poverty impacts Pakistani women three times more than men, in a 3:1 ratio".<sup>685</sup>

In March 2018, Express Tribune reported on the financial inclusion of women:

---

<sup>681</sup> Bertelsmann Stiftung, [BTI 2018 Country Report — Pakistan](#), 2018

<sup>682</sup> Asian Legal Resource Centre, the Unrepresented Nations and Peoples Organization (UNPO), Women In Struggle for Empowerment (WISE), The World Sindhi Congress (WSC), [Joint submission to UPR](#), 30 March 2017 paras. 61 and 62

<sup>683</sup> Amnesty International [Submission to the United Nations Committee on Economic, Social and Cultural Rights 61<sup>st</sup> Session](#), 29 May to 23 June 2017, Section 3.2 Right to social security and adequate standard of living

<sup>684</sup> Asian Human Rights Commission, [State sanctioned police brutality against women must stop](#), 6 July 2017

<sup>685</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Women and the environment* p 170

Pakistan has much to achieve on the financial inclusion front. [...] In Pakistan, the gender gap in financial inclusion in 2016 climbed back to 8% after falling to 5% in 2015. Among Pakistani women, largely urban, educated and wealthy females have registered bank accounts with formal institutions.

Women have very little agency in financial matters with the men in the family be it in the form of spouse, brothers or fathers taking it in their own hands. Results from FII ['Financial Inclusion Insights', supported by the Bill and Melinda Gates Foundation] suggest that only 16% of women who derive their income from the formal economy have sole control over how they use their money. This is relative to a proportion of 44% of men in the country [...] According to the Pakistan Telecommunication Authority, the country has a telecommunication density of 72%. In terms of mobile phone usage, 88% of married men have access to a phone relative to 65% of married women.

Due to an overall lack of literacy, the gender gap also exists in the usage of popular technology such as a mobile phone.<sup>686</sup>

In 2018 UN Women issued its report on gender equality and the 2030 Agenda for sustainable development and stated, "In Pakistan [...] food insecurity among women was a staggering 11 percentage points higher than that among men".<sup>687</sup>

The same report further stated:

On average, 13.3 per cent of women aged 18–49 are undernourished (BMI <18.5); the rates differ substantially by location, wealth and ethnicity. Location effect: Women in rural areas are 2.2 times as likely to be undernourished as those in urban areas: 16.3 per cent compared to 7.4 per cent, respectively.

Wealth effect: Women in the poorest households are 6.2 times as likely to be undernourished as those in the richest households: 26.0 per cent and 4.2 per cent, respectively.

Ethnicity effect: Rates are higher than the national average among Sindhi and Saraiki and lower than average among Punjabi, Pashtun and Urdu. Those with the highest rate (Sindhi) are 7.1 times as likely as those with the lowest rate (Pashtun) to be undernourished, with prevalence rates of 27.5 and 3.9 per cent, respectively. The compounded effect: Segments of the population that face disadvantage based on their ethnicity, wealth and location are some of the most deprived. As many as 40.6 per cent of Sindhi women living in the poorest rural households are undernourished. At the other end of the spectrum, the lowest rates of under-nutrition are registered among the richest urban Punjabi (2.4 per cent).<sup>688</sup>

With regards to household-level deprivations the same report found that:

Household-level deprivations are widespread in Pakistan: 63.3 per cent of all women and girls aged 15–49 lack access to clean cooking fuel

Location effect: Women and girls living in rural households are 6.2 times as likely as those living in urban households to lack access to clean cooking fuels. That is, while 87.6 per cent of women and girls in rural households lack access, 14.2 per cent of women and girls in urban households do.

Wealth effect: While 8.9 per cent of women and girls living in households in the richest quintile lack access to clean fuel, 99.1 per cent of the women and girls living in the poorest households do. Thus, the poorest are 11.1 times as likely as the richest to lack access to clean cooking fuels.

Ethnicity effect: Saraiki women and girls are the most deprived. While 85.2 per cent of them lack access, 17.8 per cent of Urdu women and girls do, making Saraiki women and girls almost 4.8 times as likely to be deprived from access to clean energy for cooking.

Compounded effect: Almost all Urdu women and girls living in urban households in the top wealth quintile use clean sources of energy for cooking. In contrast, almost all Punjabi women and girls living in rural areas and in the poorest households lack access to such fuels. The poorest rural Punjabi

---

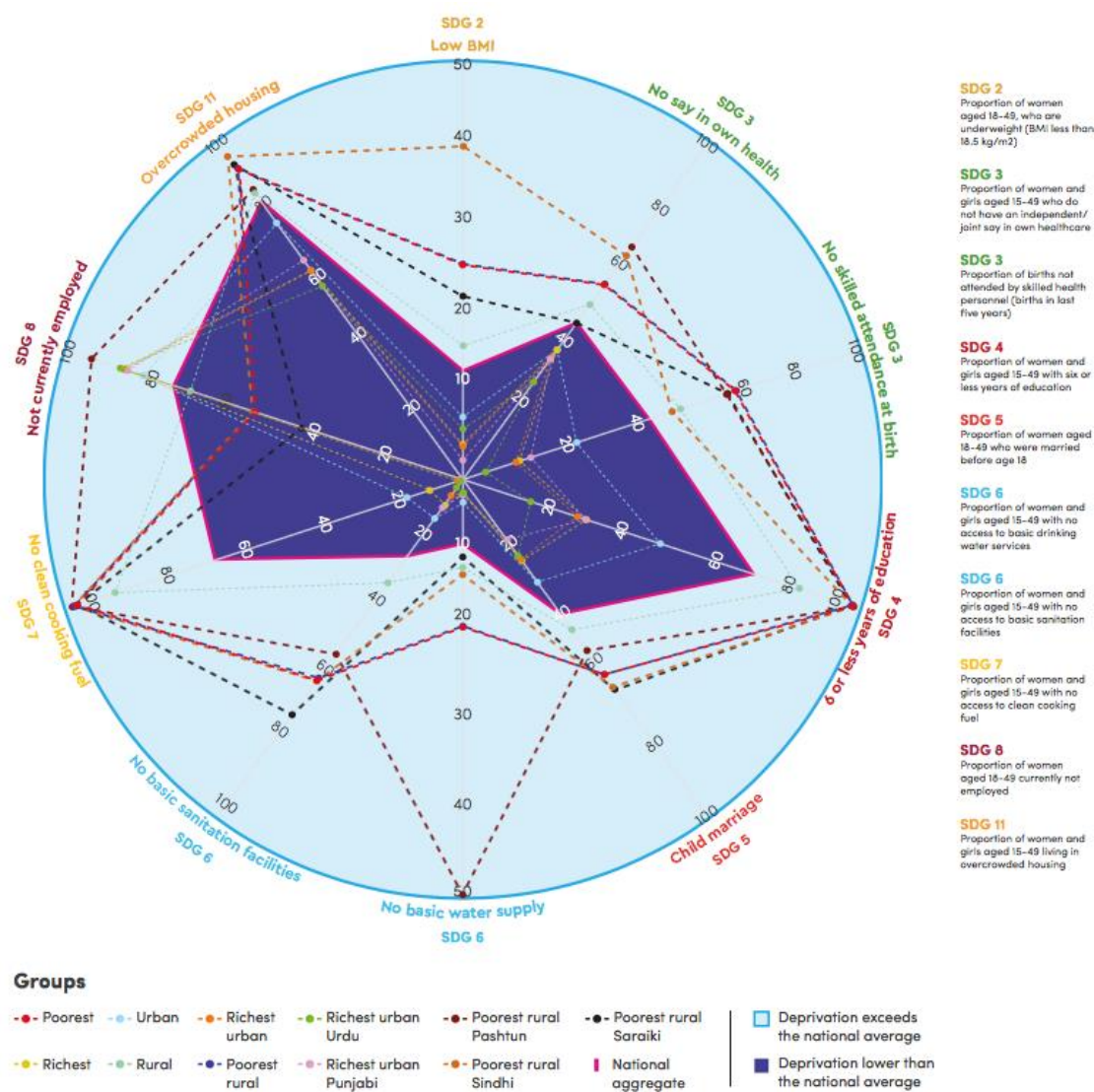
<sup>686</sup> Express Tribune, [Women and financial inclusion – the case of Pakistan, 12 March 2018](#)

<sup>687</sup> UN Women [Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development](#), 2018, p.79

<sup>688</sup> UN Women [Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development](#), 2018, p.152

women and girls are almost 200 times as likely as the richest urban Urdu women and girls to lack access to clean fuels. Wealth, more so than location and ethnicity, is the key driving factor for the observed inequality in access<sup>689</sup>

The report presented the following infographic on 'Inequalities in SDG (Sustainable Development Goal) outcomes between different groups of women and girls, Pakistan 2012-2013<sup>690</sup>:



Source: UN Women calculations based on microdata from NIPS and ICF International 2013.

Notes: Different scales are used across each of the 10 axes, each corresponding to the maximum and minimum values for each given indicator. Select groups are shown given space limitations; for full group disaggregation, see Annex Table 3. Urdu is used as shorthand for Urdu-speaking, see Characteristics. No access to clean drinking water: Pashtuns reside mostly in the Khyber Pakhtunkhwa region, where reliance on unprotected wells and springs is particularly high. The 2005 earthquake and 2010 floods have further raised concerns about water quality for residents of this region. These and other factors contribute to much higher rates of no access to clean drinking water for Pashtuns overall, but especially those from the poorest rural households.

## 7.2.1 Access to health care

In February 2017 a United States Institute of Peace Building Peace Brief stated:

<sup>689</sup> UN Women [Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development](#), 2018, p.154

<sup>690</sup> UN Women [Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development](#), 2018, p.151



Violent extremism has adversely affected women's mobility, especially in Khyber Pakhtunkhwa Province (KP). In Swat, for example, the Taliban banned women from working altogether and from leaving the house unless accompanied by a male family member. This affected not only women's access to health-care facilities in the region but also household incomes.<sup>691</sup>

In March 2017 Dawn.com and Agence France Presse reported:

Healthcare in rural Pakistan and the careers of women doctors are being revolutionised as internet access grows across the country, allowing people with limited mobility because of geography or culture to interact online.[...] A Karachi-based organisation has deployed Skype to connect doctors based in city to patients in villages [...] Convenience is everything in a place where women must walk for miles to fetch water from a spring and power cuts can last up to 12 hours a day, the low hum of generators a constant backdrop to village life. The remote doctors offer a fresh solution to the country's poor healthcare sector. Pakistan has one of the world's highest infant mortality rates and just 0.5-0.8 per cent of its GDP has been spent on the health sector in the past decade.

"It is very helpful, particularly for female patients because it is close to all of us," Fayyaz says. "That's why I am here," agrees Bibi Mehrunisa, one of the many women clustered in the clinic's waiting room, some with children in tow. It's also important for the women on the computer screens.

[...] The local government is also tuning in to the trend, setting up an e-ilaj, or e-treatment, centre in a village called Bilahi, with plans to expand in other remote areas of KP.

At Bilahi, where women clad in traditional shawls await their turn at the clinic surrounded by rolling hills, a four-year-old named Zehwish Azeem is examined remotely by physician Nadia Rasheed in Islamabad. Rasheed said the government initiative works with a local internet provider to bring medical advice to some 15 villages with a population of more than 27,000 people in a rural area where doctors are few. Over the last five years, more than 50,000 patients have been treated in such clinics in Punjab, Sindh, KP provinces, and in a remote village in the Margalla Hills bordering Islamabad, said Rasheed.<sup>692</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) comprised of seventeen non-governmental organizations stated in April 2017:

One of the biggest issues regarding women's health is of access to healthcare. The problem starts with the socio-cultural structures which hamper women and girls access. They are not encouraged to step out of the home to get outside treatment. There is also a taboo in many areas of a female patient being examined or treated by a male doctor. With lesser number of female doctors, this often results in families preferring not to allow their women access to health as opposed to allowing a male to examine them.

There are high costs associated with health care, especially private healthcare if the quality of public healthcare is not relied upon. Therefore poverty is a major barrier to access to healthcare. There is in certain cases difficulty in physical access to the facility. If the facility is a long distance away, social and familial restrictions placed on women's movement, or high costs of travel hampers their ability to even reach the facility. Lack of education and awareness among women limits women and girls informed decisions about access to healthcare because they are unable to identify the symptoms. This results in a reliance on traditional beliefs and practices, many of which can be harmful.

Women's lack of decision-making power and autonomy also results in poor health outcomes, as women are often not in a position to make decisions regarding their health. Men or elders in a family often make such decisions. As discussed above, in many situations, the preferred choice is not to allow a woman treatment rather than allow her to be examined by a male or an outsider.[...]

While Pakistan has a good network of primary health facilities and hospitals, many of these facilities are in disrepair, damaged, destroyed or are too far from remote communities.

Majority of the Basic Health Units (BHUs) and Rural Health Centres (RHCs) are not functional. With the exception of very few facilities, EMONC is not available on a 24-hour basis in tertiary care centres.

---

<sup>691</sup> United States Institute of Peace Building Peace Brief, [Women Peace and Security in Pakistan](#), February 2017

<sup>692</sup> Dawn, AFP [Women doctors bring online healthcare to rural Pakistan](#), 19 March 2018



Majority of private hospitals and maternity homes are expensive and are not providing proper obstetrical care to women as per international standards. Very few private setups are providing free care to needy women. A very small number of hospitals and maternity homes are operating with international standards of care. As these facilities are extremely expensive, very few people can afford their services.<sup>693</sup>

The Express Tribune reported in May 2017:

Speakers at a seminar urged the government to keep track of menstrual hygiene practices among girls and women, saying that 79% of Pakistani women do not manage their periods hygienically, which is a public health issue. [...] Afshan Bhatti, the representative of Real Medicine Foundation, a non-profit working to improve the health sector in disaster-hit regions, said that according to a research conducted by her organisation, 79% of Pakistani women were not properly managing menstrual hygiene.[...] Shazia Sardar from Integrated Rural Support Program (IRSP) Mardan informed the participants that one-third of girls drop out of school before completing primary education due to a lack of proper menstrual sanitation arrangements at educational institutions. Health department director Dr Akbar said menstruation is a sign that a girl has hit puberty but unfortunately in local society, it begins to affect the girl's socialisation and therefore can have a significant negative impact on her education. She said teachers and lady health workers can play a vital role in this regard, she said. "We can play a very important role in lessening the burden on hospitals by giving appropriate attention to cleanliness when it comes to menstruation and sanitation," she said.<sup>694</sup>

Assessment Capabilities Project (ACAPS) stated in August 2017 in relation to the situation in drought-stricken Sindh province that "[a]naemia affects [...] three quarters of pregnant and breast-feeding women".<sup>695</sup>

In February 2018 Dawn.com reported on the UN Women publication 'Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development':

A United Nations report released on Wednesday presents a very bleak picture of Pakistan that is yet to make a serious start for women's development, the majority of whom are deprived of education and basic healthcare. The report finds that 98.8 per cent of women from the poorest rural households are education poor (defined as having only completed six or less years of education), with the rural Pashtun women not only being the most deprived in education but also have the least say in decisions regarding their own health care. Released two years after world leaders had adopted the 2030 Agenda for Sustainable Development, the report — Turning Promises into Action: Gender Equality in the 2030 Agenda — examines all 17 Sustainable Development Goals (SDGs) and shows their impact on the lives of women and girls. It highlights how the different dimensions of well-being and deprivation are deeply intertwined and suggests measures to tackle existing structural inequalities and turn promises into action. Pakistan is one of the four countries highlighted in the report where 4.9 million women aged between 18 and 49 years are simultaneously deprived in four SDG-related dimensions. Across nine out of 10 dimensions, women and girls from the poorest 20 per cent of households in rural areas fare worse than women and girls from the richest 20 per cent of households in urban areas. Disaggregation by ethnicity revealed further differences. In the case of malnutrition (proxied by a low Body Mass Index), Sindhi women and girls from the poorest rural households fare far worse than any other group across all wealth quintiles and locations. "However, the most disadvantaged ethnic group often varies across indicators, oscillating between the Sindhi, Saraiki and Pashtun. "A closer look at those most likely to be disadvantaged — that is, women in the poorest rural households — suggests that in six of the 10 dimensions studied, Sindhi and Saraiki women and girls fare the worst while Pashtun and Punjabi women tend to fare better. "Exceptions can be observed in some areas, such as access to clean cooking fuel, where rural poorest were equally deprived irrespective of ethnicity," the report says.

---

<sup>693</sup> The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) [A Joint Civil Society Shadow Report](#), April 2017

<sup>694</sup> The Express Tribune, [79% of Pakistani women don't manage periods hygienically, 24 May 2017](#)

<sup>695</sup> ACAPS [Crisis Analysis, Pakistan](#), last updated 3 October 2017

Deprivation in access to employment, according to the report, is unique: the richest are much more likely to lack employment as compared to the poorest, 86.8 and 53.3 per cent, respectively. On average, 48.1 per cent of women and girls aged between 15 and 49 years in Pakistan have no say in decisions regarding their own health care, but rates vary significantly by location, wealth and ethnicity. For instance, women and girls in rural areas are 1.3 times as likely to report having no say in decisions regarding their own health care as those in urban areas: 52.5pc compared to 39.3pc, respectively. The differences by ethnicity, however, reveal the largest inequalities, with Pashtun and Sindhi women and girls most likely to report having no say (65.2pc and 62.5pc, respectively) and Saraiki, Punjabi and Urdu least likely (44.0, 40.4 and 31.9pc, respectively).

“The furthest behind are women and girls facing the compounded effect of intersecting forms of discrimination (ethnicity, wealth and location). Ethnicity in some cases exceeds wealth and location as a predicting factor for having no say in own health-care decisions. For example, rates of ‘no say’ among Pashtun women and girls are higher than the national average, irrespective of wealth and location,” the report says.<sup>696</sup>

In 2018 UN Women issued its report on gender equality and the 2030 Agenda for sustainable development and examined the factors in women’s say in their healthcare choices:

Location effect: Women and girls in rural areas are 1.3 times as likely to report having no say in decisions regarding their own health care as those in urban areas: 52.5 per cent compared to 39.3 per cent, respectively. Wealth effect: Women and girls in the poorest households are 1.5 times as likely to report having no say in decisions regarding their own health care as those in the richest households: 39.3 per cent compared to 58.5 per cent, respectively. Ethnicity effect: The differences by ethnicity reveal the largest inequalities, with Pashtun and Sindhi women and girls most likely to report having no say (65.2 per cent and 62.5 per cent, respectively) and Urdu, Punjabi and Saraiki least likely (31.9, 40.4 and 44.0 per cent, respectively). The compounded effect: The furthest behind are women and girls facing the compounded effect of intersecting forms of discrimination (ethnicity, wealth and location). Ethnicity in some cases exceeds wealth and location as a predicting factor for having no say in own health-care decisions. For example, rates of ‘no say’ among Pashtun women and girls are higher than the national average, irrespective of wealth and location: 69.5 per cent of those in the poorest rural households have no say in their own health care, compared to 65.2 per cent for Pashtun overall and 62.7 in the richest urban households. At the opposite end of the decision-making distribution, 29.3 per cent of Urdu women and girls living in the richest households in urban areas have no say in decisions regarding their own health care (compared to 31.9 per cent for Urdu overall).<sup>697</sup>

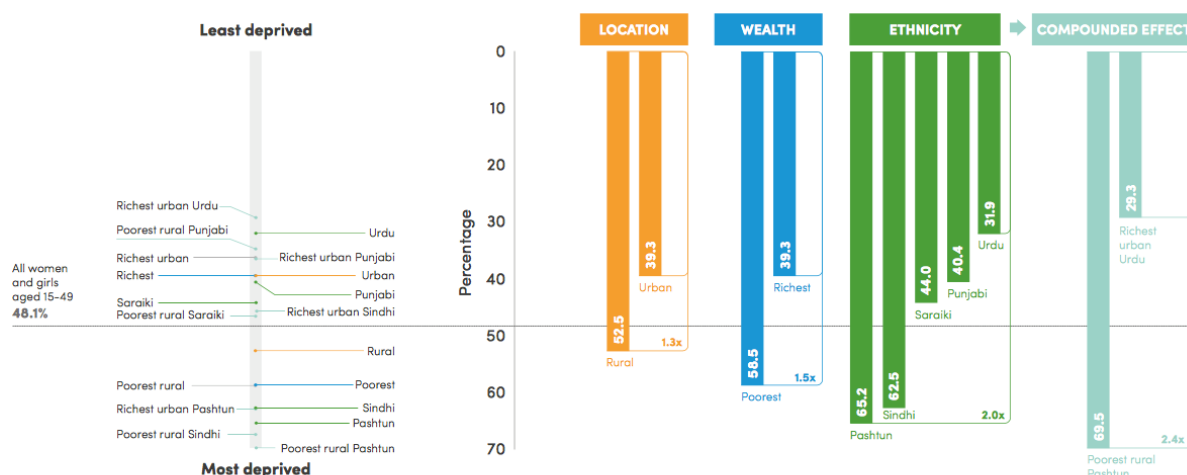
The report presented the following infographic on the ‘Proportion of women and girls aged 15-49 in Pakistan who report no say in decisions regarding their own health care, by location, wealth and ethnicity, 2012-2013’<sup>698</sup>:

---

<sup>696</sup> Dawn [48pc Pakistani women have no say in health matters: UN](#), 15 February 2018

<sup>697</sup> UN Women [Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development](#), 2018, p.153

<sup>698</sup> UN Women [Turning Promises into Action: Gender Equality In The 2030 Agenda For Sustainable Development](#), 2018, Figure 4.12 p.154



Source: UN Women calculations based on microdata from NIPS and ICF International 2013.

Notes: In the left-hand graph, all groups are shown and ranked from most to least deprived, only groups with insufficient sample size are not shown ( $n < 100$ ). The bar charts to the right present results for a selection of these. For full group disaggregation, see Annex Table 3. Among the most deprived groups, differences between Sindhi rural poorest and Pashtun rural poorest are not statistically significant. Similarly, differences between urban richest and rural poorest Punjabi are not statistically significant. Urdu is shorthand for Urdu-speaking, see Characteristics.

### 7.2.1.1 Reproductive rights

In June 2017 the UN Committee on Economic, Social and Cultural Rights heard from civil society organisations on the implementation of the International Covenant on Economic, Social and Cultural Rights in Pakistan:

Pakistan Alliance for Postabortion Care, a coalition of more than 40 organizations, highlighted the situation concerning restrictive abortion law and lack of access to contraceptives in Pakistan. It was estimated that in 2012-2013, contraceptive needs of 20 per cent of women had not been met; 46 per cent of an estimated nine million pregnancies in 2012 had been unintended, and of those, 54 per cent had resulted in abortions. Abortion carried a huge cost, as it was severely restricted and was legal only when there was a threat to the life of the mother. Safe and legal abortion was not easily accessible; unsafe abortion accounted for at least six per cent of maternal mortality, but this figure was likely higher. A study had found that 2.2 million abortions had been performed in Pakistan in 2012 - more than 85 per cent of which by untrained service providers, leading to life threatening complications. The Committee should address the issue of improved access to contraceptives and counselling, especially in rural areas, and urge Pakistan to bring its restrictive abortion law in compliance with international human rights standards.<sup>699</sup>

Amnesty International stated in its submission to the United Nations Committee on Economic, Social and Cultural Rights in May 2017 that:

Women and girls in Pakistan have poor access to necessary reproductive health services. The Maternal Mortality Ratio (MMR) as reduced from 297 per 100,000 live births in 2007 to its current level of 170 per 100,000 live births. As the government has acknowledged, the MMR in Pakistan “is still very high as compared to the other countries in the region”. Approximately 40% of pregnant women do not receive skilled prenatal care or full protection against tetanus. The coverage of prenatal care varies noticeably across regions and sub-regions. Delays in seeking medical care for complications during pregnancy are common due to lack of transport, family support, and the non-availability of essential services at health facilities. Women often do not have access to skilled birth attendants, which leads to

<sup>699</sup> OHCHR news, [Committee on Economic, Social and Cultural Rights hears from civil society organizations from Pakistan](#), 12 June 2017

unsafe deliveries and health risks for women, including preventable injuries and health conditions, like obstetric fistula. Amnesty International is aware that women who develop obstetric fistula sometimes face isolation and stigmatization because they are abandoned by their husbands and rejected by communities. An estimated 5000 cases of fistula occur in Pakistan every year.

The domestic legal framework on abortion continues to be restrictive. According to Section 338 of the Pakistan Penal Code, as amended in 1997 to “bring it in conformity” with Islamic teachings, “Whoever causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman or providing necessary treatment to her, is said to cause 'Isqat-i-Haml' (abortion). The punishment is set as “is three years if the abortion is performed by the woman's consent, otherwise a maximum of ten years.” Though the law does not specify a gestational limit, Islamic scholars tend to believe that foetal organs are developed by the fourth month of gestation. Thus, abortion would be legal as “necessary treatment” if carried out in “good faith” up to the end of the fourth month of pregnancy. That marks some improvement on the previous law, which allowed for abortion only to save the life of the pregnant woman. However, abortion remains criminalized in several circumstances, including in cases of an unwanted pregnancy as a result of rape, sexual assault or incest, in case of foetal impairment, or after the fourth month of pregnancy unless there is a risk to the woman’s life. Additionally, healthcare professionals lack awareness of the law. Some women, for whom the pregnancy amounts to a serious health risk, are turned away by the health facilities. This, together with poverty, leads women to opt for unsafe abortions conducted by unskilled practitioners. At least 5.6% maternal deaths in Pakistan occur due to abortion related complications.<sup>700</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights (UN ECOSOC) found that:

The Committee is concerned that abortion is criminalized in the State party except when the life of a mother is at risk, which has led to a very high incidence of unsafe clandestine abortions. This has in turn led to many women suffering from life-threatening complications that in more than 5 per cent of cases have resulted in death. It is also concerned that about half of pregnancies are not intended and that women have limited access to sexual and reproductive health services and information thereon.<sup>701</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) comprised of seventeen non-governmental organizations stated in April 2017:

Pakistan has the worst indicators for maternal morbidity and mortality in South Asia. There have been some improvements in important health indicators, particularly infant mortality rates, under-5 mortality rates, and maternal mortality rates. However, the leading cause of death, (20.3% of total) to women (ages 12-49) is pregnancy and related complications. Pakistan’s maternal mortality ratio is 276 deaths per 100,000 live births- the highest in South Asia after Afghanistan. The Pakistan Demographic Health Survey (PDHS) 2006-07 showed the Maternal Mortality Rate (MMR) to be 276/100,000. The MMR was particularly bad in the rural areas with a ratio of 319/100000 against 175/100000 in urban areas. Approximately 23% deaths of rural women of reproductive age were caused by pregnancy and childbirth related complications, as compared to 14% among urban women. Other factors that increased the MMR were: low quality of health facilities, lack of knowledge about available facilities, and shortage or absence of female health staff in hospitals and health centres. In spite of awareness regarding contraceptives, their use is limited because women’s limited power to make decisions, even regarding their own bodies. Anaemia in women is a common finding, particularly among poorer communities and during pregnancy it is frequently associated with maternal death and morbidity. [...]

Women also lack the power to decide matters related to family planning. The MDG report reflects that that there is increased awareness and use of contraceptives among women, from 28% to 30.8% in 2008-09, but socio-cultural norms in the country remain a formidable barrier to its wider adoption. Also,

---

<sup>700</sup> Amnesty International [Submission to the United Nations Committee on Economic, Social and Cultural Rights 61<sup>st</sup> Session](#), 29 May to 23 June 2017, Section 3.3 Right to Health

<sup>701</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 77

contraceptive failure and misuse remains a problem. Discernible change in the patriarchal mindset and socio-cultural norms that reflect gender biases will have to take place before women can be sufficiently empowered to take decisions regarding family size and family planning. Without these changes increase in availability of contraceptives will have limited impact.<sup>702</sup>

In its April 2017 submission to the UN ECOSOC the Pakistan Alliance for Post Abortion Care stated:

The Punjab province has developed standards and guidelines for the provision of high quality, safe abortion and post-abortion care services. This province represents approximately 60% of the population of Pakistan, and there is promising political will to replicate these standards and guidelines in the remaining provinces. [...] Another strategic step is that postpartum and postabortion family planning Task Force, led by Department of health in each province is created to strengthen synergies and addressing high FP [family planning] -unmet needs in Pakistan.

The abortion law in Pakistan provides for legal abortion in cases of threat to health and in early pregnancy for “necessary treatment.” The phrase necessary treatment is not clearly defined or widely understood, and safe and legal abortion care is not widely accessible. High levels of unmet need for contraception and low levels of contraception use leave many women at risk for unintended pregnancy. Without access to safe abortion, many women and girls who experience unintended pregnancy risk their health and lives by resorting to unsafe abortion. Unsafe abortion accounts for at least 6% of maternal mortality in Pakistan, and this might be an underestimate given the sub regional average of 13%.<sup>703</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned that abortion remains criminalized except to save the life of the woman or provide “necessary treatment”; that the circumstances under which voluntary termination of pregnancy is allowed are not clearly defined or widely understood among medical professionals or the general public; consequently, that a very large number of women seek unsafe abortions, which may put their lives and health at risk; and that there is a high level of resulting maternal mortality. The Committee is also concerned by the very high rate of unintended pregnancy owing to limited access to information and services regarding sexual and reproductive health (arts. 2, 3, 6, 7, 17 and 26).<sup>704</sup>

Dawn.com reported in September 2017:

Stringent abortion laws and the taboos associated with the practice often lead women to seek out unsafe methods. [...]. Every month, on an average between 10 and 15 women come to the same clinic that Saeed went to, in the heart of Karachi, seeking abortion in a safe environment, at the hands of trained healthcare providers. [...] According to the recent Pakistan Demographic and Health Survey (2012-13), even when women (26 percent) do use an FP method they discontinue and the rate is shockingly high at 37pc, and within 12 months of their initiation. Ten percent of episodes of discontinuation occurred because the woman experienced side effects or had health concerns. Little wonder then that in Pakistan 48pc of pregnancies are unintended, of which 54 pc are terminated in an unsafe way.

Ethical and religious dilemmas by healthcare providers, an unresolved moral battle raging in the mind of the woman seeking termination makes the decision to terminate pregnancy very difficult. “Fears about confidentiality, stigma, not knowing the law, expenses and most importantly because public hospitals don't entertain these clients,” are some reasons why women continue to seek abortions by unskilled providers said Dr Laila Shah, director of the Sukh Initiative at Jhpiego, which is promoting LARC

---

<sup>702</sup> The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) [A Joint Civil Society Shadow Report](#), April 2017

<sup>703</sup> Pakistan Alliance for Post Abortion Care [Supplementary information on Pakistan, scheduled for review by the CESCR during its 61<sup>st</sup> session in May-June 2017](#), 28 April 2017

<sup>704</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 15

in 42 public health facility hospitals in four towns of Karachi. But, along with these very real concerns are the myths around contraception that continue to brainwash the women. “On several occasions, women have told me that they do not want the IUCD (or challa as it's known locally), inserted as it will go up their stomach, liver, or even brain.” We're just not able to overcome this fear from them,” she said while acknowledging that in olden times, the device, if inserted by an untrained provider, may have perforated the uterus and caused a complication.<sup>705</sup>

The organization Movement for Solidarity and Peace in Pakistan reported in October 2017 an incident where a woman gave birth by the side of the road: “There is no Doctor available, during labor pains the poor woman reached District Head Quarter Hospital Raiwind (the place where Nawaz Sharif Ex Prime Minister lives). No admission given to the poor lady and she delivered the baby on the road”.<sup>706</sup>

The United Nations Population Fund reported in November 2017 that in Pakistan “Some 178 women die of pregnancy-related causes out of every 100,000 live births, a ratio far higher than the regional average. Only 55 per cent of births are attended by skilled health personnel”.<sup>707</sup> The same source gave the fertility rate as 3.4 maternal mortality rate as 178 and the contraceptives prevalence rate as 40.<sup>708</sup>

In their joint Universal Periodic Review submission ‘Right Here, Right Now’ Alliance and Sexual Rights initiative stated in November 2017:

The sexual and reproductive health and rights (SRHR) of the population, particularly of young people, remain insufficiently addressed at the policy level as well as in terms of implementation. Moreover, in Pakistan, where talking about sexuality and sexual health and reproductive rights is considered taboo in society, young people's choices in this matter are restricted and their wellbeing jeopardized. The unequal power relation between men and women is also an important factor which makes it difficult for young girls and women to exercise autonomy when it comes to making informed decisions about their own bodies and negotiating their bodily rights. [...] Gross inequalities also exist between the urban and rural population, with the majority of the population residing in rural areas (62%). [...] Female sexuality is tightly controlled, resulting in increased social restrictions on young unmarried girls. While studies show that young girls lack information on sexual and reproductive health, they themselves are shy about discussing these issues. [...] With the social stigma attached to this aspect of SRHR, abortion remains of the most de-prioritized areas in the health and rights framework. A relatively recent study conducted by the Population Council of Pakistan on Post Abortion Care revealed that Punjab has the maximum number of Post Abortion Care Cases (unsafe abortions) that are treated in various facilities. The report states that around 696,000 cases of Post Abortion Care were registered. Experts agree that the existing law that allows for an abortion only if the mother's life is in danger, is a flexible one and it is often the provider bias that leads to denial of services or poor quality of services provided to women who wish to have an abortion.<sup>709</sup>

IRIN News reported in March 2018 that:

The closest government-run health clinic is more than an hour's drive from the village of Bhagwal, in Pakistan's Punjab province, but for expectant mother Mehreen Bibi, it might as well be a world away. Pregnant with her second child, the 24-year-old can't afford the roundtrip fare or the thousand rupees – about \$15 – it would cost to see a gynaecologist. Instead, she relies on a free NGO-run health clinic in her village. But for the past two months, she's been waiting for a doctor who never arrives. After a difficult pregnancy a year ago, Bibi wants to consult a doctor to see if it's safe to deliver her second child. But funding shortages have forced the village clinic to cut key staff and services: no more

---

<sup>705</sup> Dawn.com, [Why does Pakistan have low contraception and high abortion rates?](#), 26 September 2017

<sup>706</sup> Movement for Solidarity and Peace in Pakistan, [Tragic, there is no doctor available during labour pains](#), 17 October 2017

<sup>707</sup> United Nations Population Fund, [Pakistan empowering midwives to empower women](#), 20 November 2017

<sup>708</sup> United Nations Population Fund, [Pakistan empowering midwives to empower women](#), 20 November 2017

<sup>709</sup> Right Here, Right Now Alliance and Sexual Rights initiative, [UPR Submission](#), November 2017



ultrasound facilities, no more ambulances, and as of six months ago, no more gynaecologists. "This centre was catering to the needs of poor patients, especially pregnant women, but now the doctors don't visit," Bibi said, cradling her first child on her lap. Local NGOs say the cutbacks are an immediate example of how a growing government crackdown on the aid sector is impacting the country's most vulnerable. "The majority of pregnant women now rely on untrained midwives for deliveries. That is unsafe and dangerous" Pakistan's government has slapped punitive taxes on NGOs, threatened to shut down international organisations that don't meet opaque new registration requirements, and launched a separate graft investigation across the sector. International NGOs work in key sectors including disaster response and health in places like Bhagwal, where government services don't always reach.<sup>710</sup>

The US State Department stated in its 2017 Human Rights Report that "There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods".<sup>711</sup>

### 7.2.2. Access to education

For children's access to education see [8.1. Access to education](#)

For attacks on education see section [4.5. Attacks on education](#)

Right to Education noted in an October 2016 report that:

Evidence was found in India, Pakistan and Kenya that girls were less likely to be enrolled than boys, linked to families being forced to choose between educating their sons and their daughters because they could not afford the fees for both. [...] A study in rural Pakistan showed the poorest girls are 31 percent less like to be enrolled in a private school than the poorest boys.<sup>712</sup>

In a Statement submitted by the Family Educational Services Foundation to the UN Commission on the Status of Women on 7 November 2016, it was noted that:

The overall gender equality indicators remain weak for the country as Pakistan ranks second lowest (144 out of 145 countries) on the Global Gender Equality Index Report of 2015. UN-Women Pakistan highlights that women and girls' education enrolment suffers with a 48% literacy rate.<sup>713</sup>

A report published by Society for the Protection of the Rights of the Child (SPARC) in December 2016 noted that:

[...] in countries like Bangladesh and Pakistan, the stipend is specifically introduced to increase girls' enrolment in the selected districts across the country where the data has continuously shown much lower rates of girls' enrolment and retention in school as compared to that of boys. The Punjab Government also launched a similar scheme in 2013 by offering Rs. 600 per quarter to each girl of secondary school age. For this purpose 12 districts across south Punjab were selected where the enrolment of girls did not show any improvement despite several other awareness-raising campaigns. The scheme proved to make such a significant difference in only the first two years that the Punjab Government decided to increase the stipend amount from Rs. 600 to Rs. 1000 per quarter to attract

---

<sup>710</sup> IRIN news, [Pakistan's NGO crackdown prompts widening alarm among aid workers](#), 6 March 2018

<sup>711</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018  
*Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women*

<sup>712</sup> Right to Education, Private profit, Public Loss: [Why the push for low-fee private schools is throwing quality education off track](#), 7 October 2016, p27

<sup>713</sup> UN Commission on the Status of Women, [Statement submitted by Family Educational Services Foundation](#), 7 November 2016

and convince more parents' communities. This increment was also made in view of constant parents' demands for a large enough amount to enable them to utilize it for some daily necessities. [...] Transport has been identified as one of the major barriers to education if girls are coming from far-flung areas, as is very common in rural as well as urban school communities.<sup>714</sup>

The US State Department noted in its 2016 Country Report on Human Rights Practices, that:

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 postsecondary schools were lower than for boys. Additionally, certain tribal and cultural beliefs often prevented girls from attending schools.<sup>715</sup>

Human Rights Watch reported In March 2017 that:

After the Taliban took over large parts of the Swat Valley in KP in 2007, they began a violent campaign against education for girls. Over 900 girls schools were forced to close and over 120,000 girls stopped attending school. About 8,000 female teachers were driven out of work. For many girls, the loss was permanent and they did not return to school even after the Pakistan army had displaced the Taliban.<sup>716</sup>

In June 2017 Amnesty International noted in a submission to UN ECOSOC that:

Amnesty International notes that access to schooling has increased in Pakistan. However, at 53%, Net Enrolment Ratio (NER) for girls is still lower than for boys (60%). The NER for girls is lowest of all provinces in Balochistan at 35%. Gender gap in enrolment has narrowed to some extent in Sindh and Punjab. There are noticeable regional variations in access to schooling for girls across regions. Except for Punjab and the capital Islamabad, all provinces continue to have far fewer middle and secondary schools for girls than for boys. FATA and Balochistan are particularly disadvantaged in the availability of quality educational facilities.<sup>717</sup>

Amnesty International reported in June 2017 that:

School enrolment for girls (53%) continues to significantly lag behind boys (60%). In Baluchistan, only 35% of girls go to school. In FATA and the three smaller provinces, there remain fewer schools for girls than boys. [...]

Amnesty International calls on the Pakistan government to take all necessary steps to improve the school enrolment of girls, recruit more female teachers, and identify and remove harmful gender stereotypes and stereotypes against minorities from educational materials.<sup>718</sup>

The Asian Human Rights Commission reported in July 2017 regarding the case of gang rape of a constable's daughter and the impact on access to education:

On 12 May 2017, a 16- year- old girl, Miss A, (real name withheld) was going for tuition with her younger sister when four armed persons in a car kidnapped her. They took her to a private house and gang raped her, warning her to keep her mouth shut. [...]

---

<sup>714</sup> SPARC, [Secondary school girls' stipend Program: Impact on Female Status and Communities Economic Needs](#), December 2016, p*ii*

<sup>715</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017, Section 6

<sup>716</sup> Human Rights Watch, [Pakistan: Attacks on Schools Devastate Education](#), 27 March 2017

<sup>717</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p14

<sup>718</sup> Amnesty International, [Pakistan: Economic, social and cultural rights under attack](#), 12 June 2017

This is not an isolated case, but an everyday occurrence in Jacobabad. Gangs of boys from politically influential families stand outside Jacobabad College, harassing, stalking and blackmailing girls on a regular basis. This creates a hostile environment, where girls feel unsafe in schools and are unable to access basic education. Miss A's cousins have been forced to discontinue their education as their parents fear a similar fate for them.<sup>719</sup>

The UN General Assembly noted in July 2017 that:

The poorest girls are at the greatest risk of exclusion from school. In essence, poverty and location are the factors that determine whether girls go to school. Poor rural young women tend to be significantly less literate than the rural average; in the majority of countries with data, less than half of poor rural women have basic literacy skills. In Pakistan, the literacy rate for poor, young rural men is 64 per cent, compared with 15 per cent for their female counterparts.<sup>720</sup>

Education International reported in October 2017 that:

In the case of Pakistan, gender disparities have been found in the curricula and textbooks (Durrani, 2008; UNESCO, 2004). In Pakistan, the national identity espoused in school textbooks gives learners an "understanding of relative positioning of religion and gender in relation to nationhood" (Durrani, 2008). In a study that included 194 textbooks from four provinces of Pakistan for six subjects, it was found that the national curriculum reflects a significant gender bias towards males in at least three of these subjects (UNESCO, 2004). In the analysis, only 7.7% of the personalities in the textbooks were found to be female, with most of them relating to Muslim history, and the rest were male. In the textbooks on the history of the subcontinent, only 0.9% of the historical icons mentioned were females. [...]

The context in which women are represented in the Pakistani textbooks is similarly gendered. When female icons are talked about, they are shown as helpless, tolerant, pious and domesticated figures supporting their husbands (Durrani, 2008; Ullah & Skelton, 2012). The textbooks depict women in stereotypical gender roles- cooking, cleaning, washing dresses, raising children and taking the lead in domestic chores. Representation of females in professional life is also confined to a limited variety including school teachers and doctors, primarily (UNESCO, 2004; Durrani, 2008; Ullah & Skelton, 2012).<sup>721</sup>

The Asian Human Rights Commission reported in November 2017 that:

A female education crisis has been exacerbated over previous years. Militant groups began campaigns targeting girls' schools. This has only further discouraged families from sending their daughters to school. The effects of this are seen today in the province of KPK. Here, the insurgency was the strongest. In addition, consistent Governmental failure to prioritize or overcome barriers restricting female education, have created a dire situation in the Province.<sup>722</sup>

The Express Tribune noted on 14 February 2018 the findings of a recently published UN report:

While inequality is observed across all indicators, the largest disparity is seen in regards to education. Where 98.8 per cent of the women belonging to rural background and 29.3 per cent belonging to the richest urban dwellers lack access to education. In total 74 per cent of have an

---

<sup>719</sup> Asian Human Rights Commission, [Pakistan: Call for action against district police officers in gang rape of constable's daughter](#), 7 July 2017

<sup>720</sup> UN General Assembly, [Improvement of the situation of women and girls in rural areas](#), 24 July 2017, para 13

<sup>721</sup> Education International, [Curriculum, Textbooks and Gender Stereotypes: The case of Pakistan](#), 24 October 2017

<sup>722</sup> Asian Human Rights Commission, [Universal Children's Day- denied fundamental rights children suffer from State neglect](#), 22 November 2017

average of less than 6 years of education. The data reveals that poor, rural Pashtun women are the most disadvantaged in literacy.<sup>723</sup>

The Equal Rights Trust stated in March 2018 about the geographical inaccessibility of schools in rural Pakistan:

Research undertaken in rural Pakistan indicates that geographical inaccessibility of primary schools is a key reason for children failing to attend or complete primary education. The lack of geographically accessible schools appears to disproportionately prejudice girls, as there are around twice as many boys' schools as girls' schools in rural areas, and is thus discriminatory on the grounds of gender. This disparity in the availability of girls' schools and boys' schools in rural areas combines with other issues of systemic gender inequality – including girls' increased vulnerability to harassment and sexual violence – to hinder their attendance at primary school. There is evidence that girls are more likely to attend school where there is an all-girls school in the village and that “enrolment drops off sharply with each 500-metre increase in distance from the closest school admitting girls”, with “this ‘distance penalty’ account[ing] for 60% of the gender gap in enrolments”.<sup>724</sup>

### 7.2.3. Access to employment

The International Labour Organization stated in its report of 2017 that “In 2016 the UN Entity for Gender Equality and the Empowerment of Women (UN Women) estimated the gender pay gap in Pakistan at 29 per cent. The ILO had previously estimated that at 64.5 per cent, Pakistan’s textile, garment and footwear sector had one of the highest gender pay gaps in the world”. The same source further noted:

Analysis of Pakistan’s Labour Force Surveys for 2013-2014 and 2014-2015 show a gender pay gap of 26 per cent across Pakistan’s workforce without taking into account differences in workers’ characteristics. However, in the garment sector, Pakistan’s largest manufacturing industry and a significant employer of women, it rises to 33 per cent. The level of women’s participation in the labour force in Pakistan is low (26 per cent). Cultural barriers and gender stereotypes valuing men as breadwinners and women as homemakers are prevalent. While this is changing in large urban centres, major obstacles to women entering the workforce persist. A major factor is the lack of safe, affordable and accessible transport facilities; these are only provided in some of the largest exporting enterprises. The lack of suitable, affordable childcare is also a major disincentive in a society that places the burden of child-rearing almost exclusively on women.

Pakistan’s legislative and policy framework contains no general prohibition on pay inequality, save for in Khyber Pakhtunkhwa, where recent legislation has introduced the concept of equal pay for work of equal value. Additionally, some legislative measures designed to protect women from excessive hours and night work have the unintended consequence of making women less attractive to employers, who require a flexible workforce in an order-driven industry.

The large informal economy, including Pakistan’s largely female home-based workers, is viewed as falling outside the legal protections that do exist, such as statutory minimum wages. The recent adoption by Sindh of its Home-Based Workers Policy is a huge step forward, but will require legislative follow-up and careful implementation. It is hoped that other provinces will follow this example and introduce their own policies on home-based and domestic workers. Research showed that overall compliance levels are low. [...]. In addition, research indicates that enforcement mechanisms are weak and viewed as unresponsive, particularly in relation to women workers. In addition, labour

---

<sup>723</sup> Express Tribune, [UN Women report shows worrying degree of gender inequality in Pakistan](#), 14 February 2018

<sup>724</sup> Equal Rights Trust, Learning Inequality: [Using equality law to tackle barriers to primary education for out-of-school children](#), March 2018

inspectors are under-resourced and the labour courts do not provide effective and accessible redress.<sup>725</sup>

In January 2017, Dawn.com reported:

Women face much discrimination in the labour market. The latest Mahbub ul Haq Human Development Report on women in Pakistan observes that women are over-represented in work that is often hazardous. Additionally, women on average earn 38.6pc less than men, with the pay gap persisting even if both sexes have the same level of education and are doing the same work. This gendered differential is likely driven by employers' bias rather than productivity differences. Along with occupying low-paying jobs, women are typically less mobile in their respective professions. Harassment at the workplace and a social context in which women remain secondary workers irrespective of the nature of their occupation and earning capacity serve as disincentives to work.

For highly educated women, these sticky floors and glass ceilings raise the opportunity cost of employment, especially given that working women still spend long hours engaged in housework and childcare. Such constraints of time, a stagnant career trajectory and hostile work environment may see more educated women — who may not have the same economic imperative to work as those who cannot afford further education — simply opt out of the labour market.<sup>726</sup>

Crisis Group Asia reported in February 2017 on violence and insecurity in Karachi that:

Housing and transport problems are especially acute for women, whose numbers are increasing in the informal labour force, particularly as house help, and in the manufacturing sector. Working women reportedly spend four hours daily commuting in unsafe conditions. "Women's Only" sections in buses are seldom enforced, and police typically ignore complaints about sexual harassment. Leaving home early, travelling long distances and returning at night to unsafe neighbourhoods, they face threats and harassment. Even non-Muslims have started wearing the *burqa* (veil) as protection against harassment. Many home-based women workers complain about social isolation in the absence of safe, convenient transport.<sup>727</sup>

In an Article published in May 2017, Dawn.com stated:

Undoubtedly, in the pecking order of discrimination against women at the workplace, expectant mothers have it the worst. [...] According to The West Pakistan Maternity Benefit Ordinance, 1958, women working at an establishment for four months or above are entitled to 12 weeks paid maternity leave. Under Pakistani law, the company is liable for providing paid leave for six weeks prior to and six weeks after the delivery. Yet, with limited checks and balances, implementation remains sporadic across workplaces in the country. A basic three month paid maternity leave is a luxury. "[Employers] are not taken into account for violating the law. The beneficiaries of this law are women who are some of the most vulnerable workers, so if their rights are taken away they are in less of a position to go and [challenge] somebody stronger and more powerful," says Sara Malkani, a Karachi-based lawyer working on reproductive healthcare. [...]

The Maternity Benefit Ordinance also states that it is unlawful for an employer to dismiss a woman during her pregnancy period. But despite the legislation, many workplaces do not have a concrete policy at all and appear to be either violating the law altogether or making calls on an individual basis. This is also true for women journalists, who dedicate their lives to giving voice to the rights of others but often find their own workplaces unsupportive. "The media has really failed working mothers," says DM, a former staffer at a leading English language daily. [...] Despite blatant violations of the law, women don't take employers to court. "Going to court can be very time-consuming and expensive; the procedures for complaint are not set out very clearly under the law either. So there are a lot of gaps in terms of the legal protection that are offered," lawyer Malkani tells *Dawn.com*. [...] While it is worth noting that the government sector has a very small percentage of women in civil service (almost 10 per

---

<sup>725</sup> International Labour Organization, [Barriers to pay equality in Pakistan: The gender pay gap in the garment sector](#), 10 May 2017

<sup>726</sup> Dawn.com, [Where are the women?](#), 23 January 2017

<sup>727</sup> International Crisis Group, [Pakistan: Stoking the Fire in Karachi](#), 15 February 2017

cent according to the Pakistan Economic Survey 2015-2016), they follow the state approved maternity leave policy[...]According to our survey 66.4% of respondents find their offices unsupportive of staffers bringing their children to work. 77.3% said that their offices do not offer day-care facilities.<sup>728</sup>

The July 2017 Concluding observations of the UN ECOSOC found that:

The Committee is concerned at the high unemployment rates among women and youth. It is also concerned that over 73 per cent of workers are in the informal economy, a majority of whom are women, without labour or social protection. While noting employment quotas in the public sector for religious minorities, persons with disabilities and women, it is concerned at the very low level of quotas allocated to these groups relative to their share of the population, as well as at the absence of information on the implementation of these quotas (arts. 2-3 and 6). [...]

The Committee is concerned at the increase in the gender pay gap, from 34 per cent in 2008 to 39 per cent in 2015, which is very high. It is also concerned at the large disparity between men and women in terms of labour market participation, employment and education (art. 3).<sup>729</sup>

In August 2017 Dawn.com published an article about the lives of female rice farmers:

Razia Bibi and her daughters wade through the pesticide filled muddy sludge, which fills the field. [...] But, the land they work on is not theirs, neither is the rice they grow. The working conditions are harsh; the water that fills the fields is full of leeches and corrosive chemicals. Each day someone in the group collapses from the heat. The wages are abysmal. But, Razia is a widow with six children, two of whom have polio. So in a place like Muridke, her options are limited.

[...]In the urban areas most women work in the informal sector as domestic workers, whereas in the rural areas they are employed in agricultural labour. In most farms, makeshift cots hang from trees where babies of the women working in the fields sleep. Toddlers splash around in the polluted water in the rice paddies and as soon as they are old enough to use their hands they are expected to join their family in agricultural labour. Within the rice value-chain, women's main role is during the transplantation of rice from nurseries, which takes place for around 45 days once a year. Explanations of why this task is reserved almost exclusively for women vary. The women rice workers argue transplantation of rice is too arduous a task for men to perform. Others such as landowners claim women are able to stay bent for longer periods of time. In the past, women were also involved in the harvesting of rice and would collect the grains. However, now most farmers use mechanical harvesters, which has also taken away these women's chance of collecting some grains to take home. The men on the rice farms lead relatively simpler lives as compared to the women.<sup>730</sup>

In its September 2017 Compilation report for the Universal Periodic Review of Pakistan, the Office of the United Nations High Commissioner for Human Rights reported:

The Committee [on the Elimination of Discrimination against Women] was concerned about the low participation of women in the formal sector, job segregation and the concentration of women in low-paid and low-skilled jobs, and the widening pay gap and lack of legal provisions guaranteeing the principle of equal pay for work of equal value. It was concerned that women in the informal sector were not recognized in the existing labour legislation as workers and did not have access to social security and benefits.<sup>731</sup>

Radio Free Europe/ Radio Liberty stated in March 2018 that:

---

<sup>728</sup> Dawn.com, [A Pakistani woman's workplace dilemma](#), 14 May 2017

<sup>729</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraphs 37 and 39

<sup>730</sup> Dawn.com, [The Stooped Lives of Women Rice Farmers](#), 10 August 2017

<sup>731</sup> Report of the Office of the United Nations High Commissioner for Human Rights Working Group on the Universal Periodic Review [Compilation on Pakistan](#), 4 September 2017 para. 81



Pakistan, Iran, and nations in the Middle East are among the countries that are least likely to have job opportunities for women, resulting in high rates of female unemployment there, the United Nations has found. [...] A ranking of the world's 144 nations last month by the UN found that Syria, Pakistan, Saudi Arabia, Yemen, and Iran offered the fewest job opportunities and least workforce participation for women. The pay gap between men and women performing the same jobs in those countries is at least 65 percent, the World Economic Forum has found. [...] <sup>732</sup>

Dawn.com stated in an article published also in March 2018:

The legal profession in Pakistan continues to be a hostile and unwelcoming environment for women, with little progress over the years. While women outnumber and outshine their male counterparts in public and private law schools across the country, their presence is almost nonexistent in the top echelons of legal practice and the judiciary. Pakistan has the distinction of being the only country in South Asia to never have appointed a woman as a justice of the Supreme Court. <sup>733</sup>

In a March 2018 press release the International Labour Organization stated:

Speaking on behalf of the ILO, Ms Belinda Chanda, program Analyst shared statistics from the 2018 World Employment and Social Outlook: Trends for Women 2018 highlighting the latest trends on women in the world of work. She highlighted [...] labour market trends in Pakistan including the low Female Labour Force Participation rate i.e. 24 per cent of the labour force (i.e. only 15 million out of 61 million workers' are female); the persistent gender pay gap where, in Pakistan, women earn 60% of the wages earned by men in most sectors, the high degree of informal work out of which 73 % of women in the labour force are engaged in unacceptable forms of work, widely known factors such as occupational segregation, violence at work and sexual harassment which impede productivity and progression of women as well as the gaps in coverage of female dominated sectors by labour laws, e.g. domestic workers, agricultural workers, home based workers. <sup>734</sup>

### Harassment in the workplace

In November 2016 Dawn.com stated:

Sharing findings of her study based on the magnitude of workplace violence towards nurses at private and public sector hospitals, Rozina Somani, senior instructor at the AKU School of Nursing and Midwifery, said interviews with 458 nurses of four hospitals showed that 82pc of them had to face some form of violence at job. "Seventy-seven per cent faced verbal abuse whereas 10pc were subjected to sexual violence. Thirty-four per cent complained of bullying," she said.

Continuing, she observed that prevalence of violence was 83.6pc at private and 79.5pc at government hospitals. The perpetrators were patient relatives, staff members and patients. Nurses found most vulnerable to violence aged between 20 and 29 and had less than five years of professional experience, she said. "Low image of women, violence within society and low image of nursing profession are some major reasons which make women vulnerable to violence," she said. <sup>735</sup>

According to the 2017 U.S. State Department report on Pakistan "Although several laws criminalize sexual harassment in the workplace and public sphere, the problem was widespread. Laws require 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". <sup>736</sup>

<sup>732</sup> Radio Free Liberty, [Pakistan, Iran Among Countries Offering Fewest Job Opportunities For Women](#), 8 March 2018

<sup>733</sup> Dawn.com, [Skirt lengths and bhuna gosht: What women in Pakistan's legal fraternity face](#), 10 March 2018

<sup>734</sup> International Labour Organization, [Achieving gender equality through collective bargaining](#), 13 March 2018

<sup>735</sup> Dawn.com, [Every second woman suffers domestic violence in Pakistan](#), 6 November 2016

<sup>736</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section

In a March 2017 submission to the UN Universal Periodic Review of Pakistan, the Human Rights Commission of Pakistan stated:

In February 2015, the Federal Ombudsman proposed an amendment to the Protection of Women from Harassment in the Workplace Act, 2010, to extend the definition of ‘workplace’ to include workplaces of domestic servants and homebased workers. However, the amendment has not been adopted by either the National Assembly or the Senate.<sup>737</sup>

IFEX, Pakistan Press Foundation and the International Network of Human Rights stated in their submission to the UN Human Rights Committee in July 2017:

Although the government has highlighted the pro-women legislation by Pakistan in Paragraph 4 of the replies to the List of Issues, the implementation of these laws is lacking. The government has failed to ensure the implementation of pro women laws, including the minimum protections offered by the “Protection against Sexual Harassment of Women at Workplace Act 2010”. As a result, very few media outlets have implemented the Act. Although Pakistan has made commitments to combat violence and discrimination against women generally and at the workplace, as well as to ensure legislation for the protection of women against violence and discrimination more broadly, sexual and gender-based harassment and threats faced by women journalists and media workers remain a significant problem. According to the report, “Media and Gender in Pakistan” published by the International Federation of Journalists (IFJ) in 2015, it is noted that more than 50% of women journalists witnessed sexual harassment in Pakistan.<sup>738</sup>

In August 2017 Dawn.com published an article about the lives of female rice farmers:

Being poor means these women also have no social or legal protections against sexual exploitation and harassment. “The boys of landowners say lewd things to us. They throw water on the girls and try to grab us any chance they get,” Shagufta says. Her aunt Zubaida says this is very common, no one says anything. “We are too poor to take these people on,” she says.<sup>739</sup>

Asian Human Rights Commission stated in January 2018:

Most common forms of workplace harassment in Pakistan includes but are not limited to, sexually suggestive gaze, unnecessary touching, Bullying/verbal harassment, sharing inappropriate content (text, images & videos) or threat. Despite the promulgation of Protection against Harassment of women at the Workplace Act, 2010 and more than 300 organizations in Pakistan having adopted it, studies have shown that most of the working women are unaware of the act or the protection that it affords. The Protection against Harassment of Women at the Workplace Act (PAHWA) 2010 defines harassment as “any unwelcome sexual advance, request for sexual favors 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 with such a request or is made a condition for employment”. Since the Act has come into force in 2010, only 79 women have filed complaints to the ombudsman in Punjab against their male colleagues. As many as 44 complaints were fixed and 35 are under process 14 accused have been convicted and eight were given warnings while 19 cases were withdrawn as complainants agreed on compromise. Three complainants didn’t peruse their cases that were defiled according to the process. The data of the Sindh ombudsman for the protection against harassment of women at the workplace shows that 134 cases were registered in 2016, and most of them have been addressed. Since its establishment in July 2012, the ombudsman has received 292

---

<sup>737</sup> Human Rights Commission of Pakistan, [Submission to the Universal Periodic Review of Pakistan](#), 30 March 2017 pages 2-3 para. 21

<sup>738</sup> IFEX, PPF and RIDH [Submission to United Nations Human Rights Committee 120th session \(3 – 28 July 2017\) Geneva Freedom of Expression](#), July 2017

<sup>739</sup> Dawn.com, [The Stooped Lives of Women Rice Farmers](#), 10 August 2017

complaints of harassment; 251 of which have been addressed and 41 are under process. There is a general lack of comprehensive organizational policies on work place harassment resulting in pervert elements within the organization be it public or private to go unpunished. The penalty for non compliance is also nominal for example if any company does not obey the law there can be a penalty of Rs 50000 to Rs 10000 at max. A pittance if one considers how the organizational heads indulge in the practice with no fear of social or legal repercussions. Many private and public organizations have not made inquiry committees within their offices despite it being mandatory under the law.

Sexual harassment is multi layered issue Firstly, women endeavor to hide harassment due to shame associated with the act and cultural and social restraint. Secondly, once they decide to take action there is a lack of redress at organizational and government level. Finally, once they report the issue they face victimization.<sup>740</sup>

Dawn.com stated in an article published in March 2018:

Law chambers and firms are not subject to any harassment laws or regulation. In a system where senior lawyers are given complete authority over the career progression of junior lawyers, harassment emerges as a constant. Many women are subject to unwanted physical advances, being forced to spend time with senior male lawyers, and being forced to sit through sexist banter.

A common theme emerges: being pushed and brushed up against whilst arguing. Some women litigators claim the opposing counsel deliberately asks male lawyers to surround them while they argue as an intimidation tactic. Women lawyers feel unsafe during brawls and demonstrations, the most common means of dispute resolution between male lawyers.<sup>741</sup>

### 7.3 Violence against women, including sexual and gender-based violence

In its report covering events of 2016 Human Rights Watch stated “Violence against women and girls—including rape, murder through so-called honor killings, acid attacks, domestic violence, and forced marriage—remained routine.”<sup>742</sup>

In February 2017, the Asian Human Rights Committee noted:

The urban-rural divide in terms of VAW has ceased to exist. Violent gender crimes are being increasingly and regularly reported from urban centres. The State has become a silent spectator to the plight of women suffering due to the lack of state protection and the rule of law. Honour killing becomes a norm when the judicial and state institutions fail to protect the marginalized and the vulnerable. Perpetrators enjoy impunity allowing them to take the law into their own hands. The state of women in the country can and will be improved by: promotion of education, greater participation in politics, and widespread awareness of social, economic and political issues. Professional and financial independence can further improve their state.<sup>743</sup>

In their Shadow report to the UN Committee against Torture in March 2017, Human Rights Commission of Pakistan, World Organisation against Torture and Society for the Protection of the Rights of the Child stated:

According to crime statistics compiled by relevant police departments of all provinces and reports published by organisations like the HRCP, violence continues to occur at staggeringly high rates. These reports indicate that violence against women, often in extreme forms, is widespread. Each year, a large number of women are murdered, raped, beaten and burnt or subjected to psychological abuse, which

---

<sup>740</sup> Asian Human Rights Commission, [Pakistan: Sexual harassment-a manifestation of exerting power and Abuse of authority at workplace](#), 25 January 2018

<sup>741</sup> Dawn.com, [Skirt lengths and bhuna qosht: What women in Pakistan’s legal fraternity face](#), 10 March 2018

<sup>742</sup> Human Rights Watch [World Report 2017: Pakistan](#), 12 January 2017

<sup>743</sup> Asian Human Rights Committee, [Pakistan: Honour killings continue in spite of several laws](#), 14 February 2017

mostly goes unreported. According to the Punjab Gender Parity Report 2016, incidents of torture on women have increased by 20% compared to 2015. In 2013, more than 5,800 cases of violence against women were reported in Punjab. Those cases represented 74% of the national total that year.<sup>744</sup>

In March 2017, the International Commission of Jurists and the Human Rights Commission of Pakistan stated in a submission to the UN Committee against Torture that “Cases of torture reported from rural Sindh showed a discernable trend of almost systematic mistreatment of women and children during raids to arrest people suspected of committing criminal offences”.<sup>745</sup>

In a joint submission to the UN Universal Periodic Review Working Group of March 2017 the Asian Legal Resource Centre and other NGOs stated:

52 percent of the population suffers sexual and domestic violence [...] Pakistan’s media reports daily abuse against women: burning alive, burying alive, mauled by dogs, honour killings, acid throwing, and physical torture.<sup>746</sup>

In May 2017 the Express Tribune reported:

The recent publication of data [...] on the cases of sexual harassment is a brutal reminder of the fact that Pakistan has still a long way to go to become completely secure place for women. The data reveals that around 3,400 cases of rape, gang-rape and outraging the modesty of women were registered in Lahore alone from January 2014 to mid-May 2017. The news story then goes on to explain that on average, three women in the city fall victim to a sexual crime every day. [...] This data was obtained through FIRs registered in only one metropolitan city of the country, Lahore, which may mean that data accumulated from other urban cities, such as Karachi and Islamabad, may result in more horrifying numbers. And we should not forget the fact that many cases also go unreported as survivors hesitate from reaching out to security personnel in fear of bringing shame upon their family’s name. There is a dire need to spread awareness to survivors to reach out for help and rectify such a culture in our society, and make Pakistan a safer place for its women.<sup>747</sup>

In August 2017 the UN Human Rights Committee stated in its Concluding Observations:

The Committee is concerned that, despite efforts made by the State party, violence against women is still prevalent. It is particularly concerned that so-called honour killings continue to occur; that the *qisas* (equal retaliation) and *diyat* (financial compensation) laws are reportedly applied to some of these cases, and that some tribal councils in remote areas continue to exercise jurisdiction over these cases. It is also concerned that, despite the adoption of the anti-rape law, effective access to justice for victims of rape has reportedly not been enhanced as expected, as no mechanisms have been put in place to implement the special procedures for court hearings. It is further concerned by the very low level of reporting of violence against women, including domestic violence; the lack of prompt and effective investigation of such cases; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims.<sup>748</sup>

---

<sup>744</sup> Human Rights Commission of Pakistan, World Organisation against Torture and Society for the Protection of the Rights of the Child, [Shadow Report to the Committee against Torture](#), March 2017

<sup>745</sup> International Commission of Jurists and The Human Rights Commission of Pakistan, [Submission In View Of The Examination By The Committee Against Torture Of The First Periodic Report Of Pakistan Under Article 19 Of The Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment](#), March 2017

<sup>746</sup> Asian Legal Resource Centre, the Unrepresented Nations and Peoples Organization (UNPO), Women In Struggle for Empowerment (WISE), The World Sindhi Congress (WSC), [Joint submission to UPR](#), 30 March 2017 para. 61 and 62

<sup>747</sup> The Express Tribune, [Is Pakistan safe for its women?](#), 23 May 2017

<sup>748</sup> Human Rights Committee, [Concluding observations on the initial report of Pakistan](#), 23 August 2017, para.

In a joint submission to the UN Universal Periodic Review session in November 2017, a coalition of NGOs stated:

Gender-based violence is prevalent in Pakistan and has consequently found ample opportunity to thrive in the cyberspace. Women and sexual minorities are coming under violent – often sexualised – attacks both online and offline for merely exercising their right to speak freely, whereas men exercising the same right would comparatively face less harmful consequences. Moreover, online hate speech often has the potential to lead into physical or ‘real’ violence. Qandeel Baloch, a social media celebrity was murdered in July 2016 for posting bold videos and indulging in a controversy with a religious scholar. Ratio of technology driven violence against women and revenge crimes such as non-consensual distribution of intimate images and videos of women has also increased in Pakistan, which often ends up in violence against the victim herself. At least 62 reported cases of ICT driven violence against women have been recorded between 2013 and 2016.<sup>749</sup>

As explained by the Human Rights Commission of Pakistan “The following categories and types of VAWG data used to be collected independently by the national NGO, Aurat Foundation, which was widely used as a credible source. This data is no longer being compiled. As a result, collecting and compiling this data proved to be immensely challenging. It is presented here with the caveat that it depicts only the incidents reported by the provincial police/LEAs to the federal government at the end of 2017.”<sup>750</sup> The same source provided the following table:<sup>751</sup>

‘Honour’ killings	309
Alleged ‘suicide’	0
Rape	3,238
Gang rape	257
Rape and murder	0
Incest	14
Custodial rape	0
Domestic violence:	
Murder	1,266
Beating	694
Other	533
Acid burning	18
Stove burning	4
Vanni/Swara	15
Sexual harassment at workplace:	
Physical	37
Sexual	21
Psychological	0
Any other kind of VAW	4,146

However, it advised to exercise caution when using these figures:

<sup>749</sup> Bytes for All, Pakistan; Media Matters for Democracy ;Ending Violence Against Women and Girls (EVAWG) Alliance; Association for Progressive Communications; Vision Pakistan; Neengar Society, Joint Submission for Pakistan’s Review under the Third Cycle of UPR [Privacy Rights Under The Lens](#), November 2017

<sup>750</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Violence against women and girls (VAWG)* p.167

<sup>751</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Violence against women and girls (VAWG)* p.167

In view of the fact that it shows a lower incidence of the VAWG reported cases found in the HRCP's SoHR reports of previous years, it is impossible to vouch for the accuracy of the numbers below. For instance, the figure of 309 'honour' killings reported by the LEAs (of which 181 were reported by the Punjab police to the GoP) is improbably low, when compared to the review of such killings in the daily newspapers and on the national electronic media, which showed them to be higher during 2017 than in previous years. The correct figures are therefore likely to be many times the numbers provided below.<sup>752</sup>

### 7.3.1 Rape and other forms of SGBV outside the home

For information on sexual harassment in the workplace, see [7.2.3. Access to employment](#)

The US State Department stated in its 2017 report:

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. Although rape was frequent, prosecutions were rare. Spousal rape is not a crime. In 2016 Parliament passed a new antirape law that provides for collection of DNA evidence and includes nondisclosure of a rape victim's name, the right to legal representation of rape victims, and enhanced penalties for rape of victims with mental or physical disabilities.

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 victim to complain 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. NGOs reported the procedure created barriers for rape victims who could not afford to travel to or access the courts. Rape was a severely underreported crime.

In 2016 the provincial government of Punjab passed the Punjab Protection of Women against Violence Act to provide greater legal protections for domestic abuse victims, including judicial protective orders and access to a new network of district-level women's shelters, the first of which was inaugurated in Multan in March. The center provided women a range of services including assistance with the completion of first information reports (FIRs) regarding the crimes committed against them, first aid, medical examinations, post-trauma rehabilitation, free legal services, and a shelter home.

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.

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. The use of postrape medical testing increased, but 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.

<sup>753</sup>

In February 2017 a United States Institute of Peace Building Peace Brief stated:

---

<sup>752</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Violence against women and girls (VAWG)* p.167

<sup>753</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women*



In a society such as Pakistan, where patriarchal norms and structural inequalities have restricted women and girls to the margins of the society, entrenched challenges hinder women's meaningful participation in public and political spheres. Existing inequalities exacerbate sociocultural differences and disparities in access to rights and services, magnifying the gender divide in conflict and crisis scenarios. Insecurity for women and girls in particular. From more extreme examples where rape is used as a weapon of war to common issues of mobility and other restrictions that result from deep-rooted patriarchal norms, the consequences of conflict and disasters for women and men differ in their severity. An analysis of history of conflict in Pakistan shows how human insecurity has proliferated in the country. Statistics from the South Asia Terrorism Portal reveal that approximately sixty thousand people have been killed in various incidents of terrorism since the start of Pakistan's fifteen-year "war on terror." The economic cost of war until 2016, the Economic Survey of Pakistan estimates, is just over \$118 billion. These statistics have severe implications for the most vulnerable segment of society. In Pakistan, women are often confined to the household and participate in public domain only minimally, if at all, which increases their vulnerability to violence, exploitation, and abuse in crisis situations. Sexual violence and abuse in the aftermath of a crisis or conflict limits women and girls' access to economic opportunities as well as their access to basic health and education.

Violent extremism has adversely affected women's mobility, especially in Khyber Pakhtunkhwa Province (KP). In Swat, for example, the Taliban banned women from working altogether and from leaving the house unless accompanied by a male family member. This affected not only women's access to health-care facilities in the region but also household incomes. Limited access to relief items is also an issue that women displaced because of the military operation in KP faced, because many of them did not possess a valid registration document. During the 2009 military operation in Malakand, many displaced households headed by women did not receive their cash and food entitlements. Anecdotal evidence from the recent displacement in Waziristan suggests that women once again faced this challenge because they did not possess national identity cards.<sup>754</sup>

The International Crisis Group reporting in February 2017 on violence and insecurity in Karachi stated that:

Housing and transport problems are especially acute for women, whose numbers are increasing in the informal labour force, particularly as house help, and in the manufacturing sector. Working women reportedly spend four hours daily commuting in unsafe conditions. "Women's Only" sections in buses are seldom enforced, and police typically ignore complaints about sexual harassment. Leaving home early, travelling long distances and returning at night to unsafe neighbourhoods, they face threats and harassment. Even non-Muslims have started wearing the *burqa* (veil) as protection against harassment.<sup>755</sup>

In July 2017 the Asian Human Rights Commission reported:

Section 310A of the Pakistan Penal Code provides a maximum punishment of 10-year rigorous imprisonment for giving a woman or girl in marriage to settle a dispute, and can be used by the police officers to initiate action against members of jirgas and panchayats for allowing rape. Meanwhile, the maximum punishment for rape under The Protection of Women Against Violence Act-2016 is the death penalty. Alternately, convicts may face imprisonment of up to 25 years. Unfortunately, these laws remain on paper and have yet to be made use of in practice. Punjab is the worst hit province for rape, with new police data showing that cases of rape and gang rape are on the rise. The 2014 police annual report stated that one female was assaulted sexually every three hours and 40 minutes, while one gang-rape incident occurred after every 45 hours and 38 minutes. Of 2,576 rape incidents reported in 2014, the victims in 167 cases were children.<sup>756</sup>

The UN Committee on Economic, Social and Cultural Rights (ECOSOC) found in July 2017:

<sup>754</sup> United States Institute of Peace Building Peace Brief, [Women Peace and Security in Pakistan](#), February 2017

<sup>755</sup> International Crisis Group Asia Report No. 284, [Pakistan: Stoking the Fire in Karachi](#), 15 February 2017

<sup>756</sup> Asian Human Rights Commission, [State failure allows jirga to order 'revenge rape'](#), 29 July 2017

The Committee is concerned that, despite many efforts made by the State party, various forms of violence against women, including [...] gang rapes, continue to occur. It is also concerned at the very low level of reporting of domestic violence and other forms of violence against women and the very small number of shelters for victims of such violence.<sup>757</sup>

The Movement for Solidarity and Peace in Pakistan reported in November 2017 that:

Inspector General of Khyber Pakhtunkhwa police Salahuddin took notice of a shocking incident that took place in Dera Ismail Khan where a teenage girl was forced to walk naked through the village streets. An FIR [First Incident Report] has been lodged in Chaudhwan police station against the influential people of the village involved in the incident. According to the details, at least five gunmen coerced a 14-year old girl to walk through the streets of the village with no clothes on at the behest of the influential people on account of family feud. The teenage girl of the rivals' family was forced to walk naked while she was on way back home carrying water for daily use. According to eyewitnesses, the armed men did not allow the helpless girl to take a piece of cloth to cover herself nor did they let her take refuge in anyone's house. The incident involving barbarity continued for at least one hour, according to the villagers.<sup>758</sup>

Radio Free Europe/ Radio Liberty stated in January 2018 that:

Protesters have rallied in several Pakistani cities amid widespread public outrage over the rape and killing of a 8-year-old girl. Lawyers and the women's wing of the religious Jamaat-e-Islami party marched through the northern city of Peshawar on January 11, while activists in the capital, Islamabad, also called for police to find and prosecute the killer of Zainab Ansari. In Lahore, the capital of Punjab Province, dozens of protesters blocked a major road.

"We need to start talking about sexual abuse openly," said actress Mahira Khan, who was among those who demonstrated in the southern port city of Karachi. [...]

Ansari's case drew widespread outrage in Pakistan and attracted the attention of the country's civilian and military leadership. The chief minister of Punjab, Shahbaz Sharif, visited Ansari's parents on January 11 to assure them that justice would be done, a provincial government spokesman said. [...]

More than 4,000 cases of sexual abuse were reported in Pakistan in 2016, up 10 percent on the previous year, according to the Human Rights Commission of Pakistan. Pakistan criminalized sexual assault, child pornography, and trafficking in 2016, after a pedophile ring was exposed in Kasur. Previously, only rape was criminalized. Several police officials were transferred following the 2015 scandal and at least two people were convicted in connection with the case.<sup>759</sup>

### 7.3.2 Domestic violence (including marital rape)

In September 2016 the Express Tribune reported:

As the government continues to drag its feet on two crucial women's protection bills, previously unpublished data has revealed that an overwhelming majority of those killing women in Punjab are husbands, brothers or fathers. According to data compiled by the NGO Aurat Foundation, of the 724 women murdered in the province last year, 190 were killed by their husbands, 50 by their brothers and 24 by their fathers.[...] The data also showed that involvement of husbands in cases of crimes against women remained the highest with 384 cases, fathers were involved in 80 such cases, 170 by brothers, 51 by parents, 43 by in-laws, 50 by former husbands, nine by step-fathers, five by step-brothers, 35 by

---

<sup>757</sup> UN Committee on Economic, Social and Cultural Rights (ECOSOC), [Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 59

<sup>758</sup> Movement for Solidarity and Peace in Pakistan, [Shocking: Teenage girl forced to walk naked in DI Khan](#), 21 November 2017

<sup>759</sup> RFE/RL, [Protests Spread Across Pakistan After Girl's Rape, Murder](#), 11 January 2018

sons, 10 by step-sons, 676 local residents, 148 neighbours, 435 by strangers, 100 by relatives, 36 by police, 19 by Pirs, 156 by influential persons. Director Advocacy, Aurat Foundation, Rabeea Hadi said that in urban areas, specifically in industrial cities, more cases of violence against women were reported because of easy media access. She said the factor of poverty also played an important role in these crimes. “Women are not allowed to do things of their free will and men want to control their lives. This control mechanism generally generates domestic violence against women irrespective of the victim’s relation: she may be a wife, daughter, mother, sister or any other relative,” she maintained. <sup>760</sup>

The US State Department stated in their 2017 annual human rights report:

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. Although rape was frequent, prosecutions were rare. Spousal rape is not a crime. [...]

In 2016 the provincial government of Punjab passed the Punjab Protection of Women against Violence Act to provide greater legal protections for domestic abuse victims, including judicial protective orders and access to a new network of district-level women’s shelters, the first of which was inaugurated in Multan in March. The center provided women a range of services including assistance with the completion of first information reports (FIRs) regarding the crimes committed against them, first aid, medical examinations, post-trauma rehabilitation, free legal services, and a shelter home [...]

No specific federal law prohibits domestic violence, which was widespread. Forms of domestic violence reportedly included beating, physical disfigurement, shaving of women’s eyebrows and hair, and—in the most extreme cases—homicide. 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.

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. <sup>761</sup>

In its March 2017 report on intimate partner violence in Pakistan based on focus group interviews carried out in and around Karachi, the Overseas Development Institute stated with regards to the prevalence of domestic violence/ intimate partner violence that:

Intimate partner violence (IPV) is a major public health and human rights issue in Pakistan, and is rooted in a wider context of stark gender inequality. Indeed, Pakistan’s ranking on the Gender Inequality Index has been declining over time – from 112th in 2006, to 135th in 2013 and 143rd in 2015. The country ranks 86th of the 108 countries on the Social Institutions and Gender Index – a measure of discriminatory gender norms. While there is no global index for IPV, Pakistan’s reported rate of physical IPV experienced by women during their lives is 32%. This is marginally above the global average of 30%, and masks individual reports that have shown figures as high as 77% for sexual violence, 90% for psychological violence and 50% for physical violence [...] There are few detailed studies on IPV in Pakistan, but figures from a study by the Aurat Foundation (2012) suggest that most of those who perpetrate any form of violence against women are intimate partners or relatives, such as husbands, brothers, cousins, fathers, uncles, fathers- and mothers-in-law, brothers-in-law, sons or step sons. [...] Despite recognition that IPV and GBV are both commonplace in Pakistan, research on IPV is scarce [...] Nevertheless, available evidence indicates that IPV is widespread, as it is in other countries in South Asia. A systematic review of literature on IPV found that the prevalence of physical violence ranges from 16% to 76% [...] Our qualitative findings both complemented and added further nuances to the secondary literature findings. IPV was understood as violence occurring in relation to one’s ‘spouse or people who are living with each other in spousal relations; whether it be legal or not, formal or informal. It could be a boyfriend, a husband or simply a partner’. Several participants noted that

<sup>760</sup> The Express Tribune, [Honour killings: Murders on rise as govt sits on pro-women bills](#), 16 September 2016

<sup>761</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women

violence against women was *'extremely common'*, with one key informant stating that she has heard of *'countless'* incidence of both IPV and GBV.<sup>762</sup>

The same report noted with regards to the nature of intimate partner violence that:

Most of the participants agreed that women are the victims of IPV at the hands of their husbands. However, GBV in dating relationships emerged as a rising and common phenomenon. Rooted in patriarchal norms around controlling women's movement and freedom, several examples of boyfriends *'slapping'* their girlfriends emerged from our sample. Jealousy and suspicion were cited as possible reasons for such violence. In rare but extreme cases, it was reported that girls who refused to engage in premarital sexual relations were *'raped and abandoned'* (19-year-old boy, Lyari). The notion of a girl's honour and reputation was evoked several times in relation to dating relationships, suggesting that girls who date were not viewed favourably by society, making them less likely to seek help if they experience violence. Key informants and in-depth interviews confirmed that *'slapping, punching and kicking'* or *'beating with a stick or shoe'* were often observed at home, in the neighbourhood and by service providers. In an extreme case, a 26-year-old man in Lyari saw another man using *'tools to beat his wife'*, while several women survivors said that their husbands had routinely attempted to strangle them when they were married. Key informants added that while, physical violence was the most visible form of violence, subtle forms of psychological violence were probably more common. Several participants referred to husbands using *'verbally abusive'* language as a form of violence. Others stated that *'criticising'* one's wife for her cooking, her care of the house, children and in-laws, and her looks also constitute IPV. Several women reported that their husbands would threaten to *'burn them'* or *'throw acid'* on them. As service providers in Shah Faisal Colony explained, *'violence is not just beating, words are more painful'* – a sentiment repeated by several women survivors. While these forms of violence were reported to be widespread, views on the existence and prevalence of sexual violence differed according to the gender of the participants. Male participants, on average, denied the existence of marital rape: *'woman says no to sex after marriage? Never heard of that'* (adolescent boy from Deh Chohar).

Tellingly, several male participants were surprised to hear that marital rape (*zinna*) is illegal, although a small number of male participants stated that forceful sex is *'wrong'*. Women survivors of IPV, on the other hand, reported that husbands not only forced their wives to have sex, but would also withhold money from women, verbally abuse them, and even beat them for refusing sex. This suggests that sexual violence occurs in conjunction with economic, psychological, and physical violence [...]. One disturbing trend noted by many participants, particularly key informants, was that not only was IPV increasing, but also its severity. One key informant explained that in the past, domestic violence would lead to physical injuries, but that was as far as it would go: *'But now it is different. People will even kill as part of this violence. Killing is not what happened in the past. And now the killing is not just part of honour killing, it's part of the usual violence as well. Women can be killed because of very petty issues'*.<sup>763</sup>

The report also provided a detailed analysis of the risk factors for women:

While lack of education was seen as a risk factor for men, having an education was found to be a risk factor for women, as educated women are often seen as wanting equal rights and freedom from traditional expectations of womanhood. Men may feel threatened by an educated wife, as revealed by a woman survivor in Lyari: *'I believe men also have this insecurity that their wives might get more successful than them, like I am looking for a job these days so he always had a problem and asked me why I want to work.'* Key informants noted that women who have an education were aware that they are in a cycle of violence, but were fearful of reporting or leaving the abusive relationship. Such women were described as both *'powerful and fearful'* [...].

---

762 Overseas Development Institute, [Understanding Intimate-Partner Violence through a Male Lens](#), 20 March 2017

763 Overseas Development Institute, [Understanding Intimate-Partner Violence through a Male Lens](#), 20 March 2017

A strong link was made by the participants between lack of education and poverty. Unemployment (and, by extension, poverty) was considered a risk factor, given the '*stresses*' (KII 10) and '*feelings of depression*' (focus group discussion with women, Shah Faisal colony), that came along with '*economic problems at home*' [...]. Violence was often triggered when a wife requested money from her husband to meet household expenses but resources were scarce because of poverty and unemployment. [...]

Unemployment and poverty were also found to be underlying factors for inter-generational violence in the project sites, as parents supported unemployed sons financially and sons tended to live in the same household as mothers who had faced violence themselves, yet now supported violent sons. [...]

Another risk factor that tallies with the literature was that of drug and alcohol use [...]. Many participants reported that when they witnessed violence either at home or in the community, the husband was most likely '*drunk*' (19-year-old boy, Deh Chohar) or '*high on weed (charas)*' (woman survivor 8, Lyari). [...]

Another risk factor identified by a small number of participants was that of witnessing violence in the family or in the neighbourhood and as a result, normalising violence against one's wife: '*If the dad beats the mother then the son will also be violent*' [...]. The impact of witnessing violence on the inter-generational cycle of violence has been studied globally [...] and in Pakistan [...]. In line with their findings, respondents in our sample also acknowledged that '*when a child sees violence at home, he will also beat his wife when he grows up*' (19-year-old, Lyari).

At family level, risk factors stemmed from one underlying factor: conflict in relationships. This included not only conflict within a marriage, but also conflict in relationships with in-laws. For example, there was consensus that women face violence from husbands and in-laws at home, given the tradition of extended families living together in Pakistan. [...]

Not only is there frequent physical violence from in-laws, but there is also evidence that mothers- and sisters-in-law may instigate IPV between the husband and wife. One woman survivor felt that her good relationship with her husband was ruined by her mother- and sister-in-law [...]. Indeed, co-residence with in-laws seemed to be a driving factor for violence according to our interviews with all survivors. Women survivors indicated that none of them had the power to make decisions in their homes, and they felt that their opinions were neglected and seen as irrelevant. [...]

The triggers for violence and marital problems cited by male respondents included: their wife did not take care of the house, children and/or in-laws; wore clothes considered inappropriate; did not cover her head; bothered the husband after he came home from work; and went outside the home and was suspected of talking to other men. For almost all men in the sample the consensus was that if a wife made a mistake, disobeyed her husband, or was wrong, then a husband had the justification to '*beat her*'.

Polygamy, a common practice in Pakistan, was seen as another driver of marital problems, especially '*in Balochi culture and usually the consent of the wife is not considered important for other marriages*' [...]. Key informants described how the economic constraints of poor households, combined with the stress of being the head of more than one household, contributes to violence against wives. [...]

At the community level, social norms and beliefs have been researched and documented extensively as a risk factor for IPV [...]. Our interviews suggested that deep-rooted patriarchal norms around femininity and masculinity were the strongest drivers of IPV in all three project sites. [...]

At the community level, social norms and beliefs have been researched and documented extensively as a risk factor for IPV [...]. Our interviews suggested that deep-rooted patriarchal norms around femininity and masculinity were the strongest drivers of IPV in all three project sites. [...]

Overwhelmingly, the evidence in the interviews shows that women's freedom and movement were restricted as a result of social norms. In most households, even women who had good relationships with their husbands were not '*allowed*' to have a job, '*go outside anywhere, meet anyone*.' In fact, women were expected to '*stay at home*' as soon as they reached puberty. [...]

Acceptability of gender-based violence was another driving factor for IPV, although there is considerable regional variation. Data from Pakistan's 2012 DHS indicate that among men, those in Khyber Pakhtunkhwa are most likely to justify wife-beating (73.5%), followed by men in Balochistan (51.3%), men in Sindh (37%) and Punjab (36.3%) [...]. Other studies in Pakistan have shown that men and women justify violent behaviours by evoking religious and cultural expectations of men and

women [...]. Our study revealed similar trends, with both younger and older men justifying violence as a necessary tool to teach women to 'obey' and 'behave'<sup>764</sup>

In its March 2017 report, *Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan*, the Overseas Development Institute stated: presented the results of its surveys of the causes of intimate partner violence:

In Pakistan[...] respondents spoke about lack of 'intelligence (*aqal*), manners (*tameez*), and awareness (*shaoor*)' as being root causes of IPV. The quality of education was also an important factor in Pakistan, as one key informant explained: *'I think it goes back to our education system, to what extent students are taught and made aware. Co-education is not available in the majority of schools, so boys and girls are taught separately. It's also how and what they are taught that makes a lot of difference. If you look at the curriculums, violence is never a topic that is discussed. [...]* As also shown in the literature, the situation around education is complex, and while lack of education was seen as a risk factor for men perpetrating IPV, being educated (or more educated than men) was found to be a risk factor for women being subjected to IPV, as many men felt threatened by an educated wife. This finding was evident in all countries, though particularly so in the Pakistani [...] context[s], as this interview with an IPV survivor (a woman in her mid-20s in Lyari, Pakistan) shows: *'I believe men also have this insecurity that their wives might get more successful than them, like I am looking for a job these days so he always had a problem and asked me why I want to work.'*

Unemployment (and thus poverty) was considered a risk and influencing factor in our study contexts, given the 'stresses' and 'feelings of depression' that came along with 'economic problems at home', as expressed by various respondents in the three countries. In Pakistan [...] respondents spoke about violence often being triggered when a wife requested money from her husband to meet household expenses but he could not give her money because poverty and unemployment meant that resources were scarce.[...]

Another (often related) risk factor we found, in line with the literature, was that of drug and alcohol use, with respondents noting that these had become more widespread in the study sites. In Bangladesh, substance abusers often refused to go to work and this in turn served as a trigger for IPV if the wife complained about scarce household economic resources. In Pakistan, respondents also reported that they witnessed violence at home and in the community resulting from men being drunk or high on drugs: *'I have seen drug addicts come home and when they ask for food from wives, they beat their wives. There is no reason. First of all, he does not earn, he is sitting useless whole day. When he returns home after drug abuse and demands for food, then wife says "I don't have flour to make bread". That person who doesn't earn and whatever he gets from begging, he spends all that money on gambling and drugs.'* (IDI with 16-year-old boy, Deh Chohar)

Another risk factor identified by study participants [...] was that of witnessing violence as both a child and an adult in the family or in the neighbourhood and, as a result, normalising violence against one's wife. Thus in Pakistan, respondents noted that *'If their dad beats the mother then the son will also be violent'* (KII 4). Similarly: *'When a child sees violence at home, he will also beat his wife when he grows up'* (19-year-old, Lyari).<sup>765</sup>

Amnesty International stated in its submission to the United Nations Committee on Economic, Social and Cultural Rights in May 2017 that:

Provincial and federal assemblies have recently adopted new laws against domestic violence, so-called "honour" crimes, and child labour.[...] Women [...] continue to face barriers in the realization of their rights. [...] Women [...] continue to face discrimination in law and in practice. The value of a woman's court testimony under the *Qanun-e-Shahadat* (Law of Evidence) is half that of a male witness. The Child Marriage Restraint Act, 1929 discriminates between girls and boys by establishing the minimum age of marriage at 16 for girls and 18 for boys. In January 2016, the National Assembly withdrew a proposed

<sup>764</sup> Overseas Development Institute, [Understanding Intimate-Partner Violence through a Male Lens](#), 20 March 2017, 4.1 Individual Level Risk Factors, 4.2 Household Level Risk Factors, 4.3 Community and Social Levels

<sup>765</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 7. Multi-level influences on IPV



amendment to the law, seeking to “raise the minimum age for girls to 18 years”, after the Council of Islamic Ideology declared it “un-Islamic”. The Council also blocked another law passed by the Provincial Assembly of Sindh in November 2016 to prevent forced conversions of non-Muslim women. In October 2016, Pakistan’s parliament passed legislation closing a loophole in the criminal law that allowed the accused in so-called honour killings to escape punishment by getting a “pardon” from the family. Under the new law, a convicted person faces a mandatory life sentence even when they receive a “pardon” from the victim’s family.<sup>766</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned that, despite many efforts made by the State party, various forms of violence against women, including so-called honour killings, acid attacks and gang rapes, continue to occur. It is also concerned at the very low level of reporting of domestic violence and other forms of violence against women and the very small number of shelters for victims of such violence (arts. 3 and 10).<sup>767</sup>

### 7.3.3 Acid attacks

In January 2017 the Express Tribune reported “The National Assembly’s Sub-Committee of the Standing Committee on Interior and Narcotics Control adopted the Acid and Burn Crime Bill 2014”.<sup>768</sup> The same source further explained that

The proposed law strengthens the court’s ability to convict criminals, support victims, besides offering a comprehensive investigation mechanism of not more than 60 days. It also enables the authorities concerned to take punitive action against investigating officers in cases of negligence. According to the bill, if anyone is killed in an acid or burn attack, the perpetrator shall be punished in accordance with the provisions of the existing law.[...] The bill offers free medical treatment and rehabilitation for acid burn victims. The bill legally binds medical practitioners to inform law enforcement agencies and take photographic evidence of injuries in acid attacks. It also provides interim monetary relief to victims for expenses and losses incurred, besides penalising abettors. The bill also outlines a process for conducting trials of accused in the shortest possible time. It also ensures protection for witnesses, provision of legal aid and financial support for victims and their dependents. The Acid and Burn Crime Bill of 2014 was moved by MNA [Member of the National Assembly] Marvi Memon for strengthening the Criminal Law Amendment Act, 2011. The bill provides for setting up an implementation monitoring board. It will be followed by a complementary law for controlling the acid sale. The Criminal Law Amendment Act of 2011 was the successor of the Acid Control and Acid Crime Prevention Bill of 2010, which made acid and burn violence a crime against the state, making it a non-compoundable and non-bailable offence, for the first time in the history of the country. After the enactment of the Criminal Law Amendment Act of 2011, the conviction rate tripled in 2012, touching 18 per cent but victims of acid violence still faced tremendous difficulties in getting a complaint registered under the right section of the PPC. The prosecution rate was 35 percent, which meant that justice was not provided in 65 percent of the cases because of weak prosecution.<sup>769</sup>

US State Department stated in its Human Rights Report covering 2017 that:

---

<sup>766</sup> Amnesty International [Submission to the United Nations Committee on Economic, Social and Cultural Rights 61<sup>st</sup> Session](#), 29 May to 23 June 2017 Section 2.5 Non discrimination and Equality

<sup>767</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 59

<sup>768</sup> The Express Tribune, [NA panel clears acid and burn crime bill](#), 14 January 2017

<sup>769</sup> The Express Tribune, [NA panel clears acid and burn crime bill](#), 14 January 2017

The law makes maiming or killing using a corrosive substance a crime and imposes stiff penalties against perpetrators. As with other laws, these measures are not applicable in FATA and PATA unless the president issues a notification to that effect. There were numerous acid attacks on women across the country, with few perpetrators brought to justice.<sup>770</sup>

Acid Survivors Foundation stated in February 2017 that:

A 50 per cent decline has been witnessed in acid crime cases across Pakistan since 2014. However, a reverse trend is witnessed in the number of children attacked in similar cases between 2013 and 2016, rising from 15 per cent to 21.3 per cent. 2014 was considered to be a critical baseline with a total of 153 acid attacks reported in the year. However the prevalence of acid attacks was stabilised in 2015 and 2016, according to the report which has been compiled by Acid Survivors Foundation (ASF) in collaboration with European Union (EU), Group Development Pakistan and National Commission on the Status of Women (NCSW). In comparison with 2014, a 54.9 per cent decrease was witnessed in 2015 while a drop of 51.91 per cent in the victims was seen in 2016. According to the data, it was noticed that the majority of the victims of acid violence were females. In 2014, 66.19 per cent acid burn victims were females compared to the 32.85 per cent males. This spiked to 67.3 per cent females in 2015 against 32.6 per cent males. In 2016 the percentage of female acid victims jumped to 69.9 per cent as compared to 26.21 per cent males. The percentage of children victims of acid violence increased from 15 per cent in 2013 to 21.36 per cent in 2016.[...]According to the report, 99 per cent of the culprits are male and only three females directly carried out the acid attacks. Most of the accused had a family link with the victim or knew them or were part of the community. According to the data, 85 per cent of the acid attacks occurred in Punjab, mostly in southern Punjab followed by Sindh, Khyber-Pakhtunkwa, Balochistan, Islamabad Capital Territory and Azad Jammu and Kashmir. Meanwhile, among districts with the highest rates of acid attacks are Multan, Bahawalpur, Rahim Yar Khan and Muzaffargarh, according to the report. While commenting over the findings of the report, Valerie Khan, Executive Director, Group Development Pakistan, said the passage of the Criminal Law Amendment Act XXV(2011) marks a milestone in the history of the country.[...]There is also a need to improve the legal framework so that other aspects of acid and burn violence would be addressed keeping in mind the best interest of the survivor and the country, she said.<sup>771</sup>

The UN Committee on Economic, Social and Cultural Rights (ECOSOC) raised its concern in July 2017 “that, despite many efforts made by the State party, various forms of violence against women, including so-called honour killings, acid attacks and gang rapes, continue to occur”.<sup>772</sup>

#### **7.3.4. State response to sexual and gender-based violence**

The US State Department annual human rights report for 2017 summarised:

No specific federal law prohibits domestic violence, which was widespread. [...] 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. To address societal norms that disapprove of victims who report gender-based violence and abuse, the government established women’s police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. These women’s police stations, however, struggled with understaffing and limited equipment.

---

<sup>770</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*

<sup>771</sup> Acid Survivors Foundation, [ASF report: Acid-throwing cases post sharp decline](#), 21 February 2017

<sup>772</sup> UN Committee on Economic, Social and Cultural Rights (ECOSOC), [Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 59

The government continued to operate the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. Numerous 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, shelter houses for abused women and children, of which there were several hundred around the country. The dar-ul-amans also provided access to medical treatment. According to NGOs, the shelters did not offer other assistance to women, such as legal aid or counseling, and often 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 many dar-ul-amans did not meet international standards. Many 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. 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.<sup>773</sup>

The same report also noted that “The 2012 National Commission on the Status of Women Bill provides for the commission’s financial and administrative autonomy to investigate violations of women’s rights. According to women’s rights activists, however, the commission lacked resources and remained powerless”.<sup>774</sup>

In a March 2017 submission to the UN Universal Periodic Review of Pakistan, the Human Rights Commission of Pakistan stated:

In October 2016, the Offences in the Name or Pretext of Honor Act 2016 and Anti-Rape Law was adopted in a joint sitting of parliament. The Anti-Rape Law gave legal cover to the collection and use of DNA in evidence. It declared that the trial for offences such as rape and related crimes shall be conducted in-camera and allowed the use of technology to record statements of victims and witnesses, to spare them from court appearance. The law also provides that a female police officer must be present when information is being recorded in cases of sexual violence. The anti-honor killing law was the most notable recent change on the country’s legal horizon with regard to violence against women. Through this law, amendments were made to the Pakistan Penal Code (PPC) and the Code of Criminal Procedure (CrPC) to end impunity for so-called honor crime. While this law was initially praised, it was later realized that it has many loopholes and offers a few changes in the previous legislation. [...] Provincial governments of Punjab, Sindh and KP had formed Provincial Watch Committees to monitor the implementation of the Sexual Harassment Act. These committees, however, meet infrequently and have hardly yielded any results.<sup>775</sup>

In a February 2017 article the Inter Press Service described the plight of rape victims who “suffer due to flaws in the criminal justice system socio-cultural inhibitions, the negative attitudes of investigators, police failure to collect evidence and the humiliation of victims in trial courts”.<sup>776</sup> Reporting on conviction rate for rape the same source noted that:

According to the National Police Bureau (NPB) of Pakistan, around 3,000 cases of rape are reported every year – 3,173 cases were reported in 2012 and 3,164 in 2013. The conviction rate, however, is less than four percent, according to a report released by the NGO War Against Rape (WAR). “One of the foremost reasons for the poor conviction rate is rape cases are mishandled from the very start,” Asad Jamal, a Lahore-based lawyer who has represented several rape victims, told IPS. He says very few

---

<sup>773</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. *Discrimination, Societal Abuses, and Trafficking in Persons Women*

<sup>774</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. *Discrimination, Societal Abuses, and Trafficking in Persons Women*

<sup>775</sup> Human Rights Commission of Pakistan [Submission to the Universal Periodic Review of Pakistan](#) 30 March 2017 pages 2-3 para. 22

<sup>776</sup> Inter Press service, [Pakistan Moves to End Impunity for Rapists](#), 3 February 2017

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

Jamal pointed to another reality – rape victims often belong to disadvantaged sections of society while rapists are mostly powerful people. He says crime data indicates that girls in the 9-19 age group from lower income families are most vulnerable to rape. “That’s why the number of domestic workers subjected to rape is on the rise,” he said. Zia Awan, founder of the Madadgar National Helpline for women and children, told IPS, “The number of rape cases reported in Pakistan is only a fraction of the actual number.” He receives a large number of calls from women who are undecided on whether to report the case or remain silent in order to avoid humiliation and life-long stigma. The impunity of rapists and the ordeal of rape victims deter the latter from seeking justice, he says. “The shameful attitude of society, police and lawyers towards rape victims is the biggest hurdle in securing justice,” said Faisal Siddiqui, a Karachi-based lawyer. His own client, a rape victim, had to seek psychological treatment for two years after appearing in court for cross-examination, he says. The defence lawyer, he says, asked her about the minutest details of the assault and made her recall the traumatic incident over and over again. Unfortunately, he says, many lawyers deliberately confuse rape victims during cross-examination in order to get relief for the accused. “They ask shameful questions which no woman can answer.” Sources privy to rape investigations reveal that due to socio-cultural mores police usually try to put the blame on complainants and prove that rape victims are women of loose morals. Their perception is that a woman who has really been raped would not dare to report the crime out of shame and fear of public humiliation. If the victim has had any association with the alleged rapist or has been socially active or has a ‘modern’ lifestyle, police tend to believe that her allegations are fabricated.<sup>777</sup>

The same Dawn report also reported on legal reforms affecting victims of sexual and gender-based violence:

Amid a wave of reforms to tighten the country’s laws on honour killings and sexual assault, on Feb. 2, the Sindh Assembly passed a law making DNA testing in rape cases mandatory in the province. It follows on the heels of a unanimous vote by Pakistan’s Parliament last October to plug gaps in the criminal justice system and boost the rate of conviction in rape cases. The conviction rate for rape in Pakistan has been less than four percent, prompting protests and legal reforms. For long, the sole reliance on eyewitnesses and circumstantial evidence has benefitted the accused in rape cases and conviction rates have remained negligible in the country. The new national law, called The Anti-Rape Laws (Criminal Laws Amendment) Act, also makes DNA evidence admissible, calls for verdicts in rape cases to be announced within three months, and allows filing of appeals within six months. It also gives approval to holding of in-camera trials and use of technological aids to record testimony of victims and witnesses in order to save victims from humiliation. In the past, many victims and their families would not pursue cases for this very reason. Another important feature of the law is that it tries to ensure protection of victims’ identity in the media. Those who violate victims’ privacy face jail terms of up to three years and fines. Mass media in the past has been criticised for disclosing names and sometimes even publishing the pictures of rape victims. Fauzia Viqar, chairperson of the Punjab Commission on the Status of Women (PCSW), told IPS that the law will require police to collect evidence from rape victims in the presence of a female officer.<sup>778</sup>

In February 2017, the Asian Human Rights Committee stated:

The Punjab Commission on the Status of Women has reported a 20 % surge in violence against women every year from 2012 to 2015. The rise in crime is said to be the direct result of the decline in conviction rates, which the report had stated as decreased. There were 81 convictions in 2015, compared to 378 in 2012.<sup>779</sup>

---

<sup>777</sup> Inter Press service, [Pakistan Moves to End Impunity for Rapists](#), 3 February 2017

<sup>778</sup> Inter Press service, [Pakistan Moves to End Impunity for Rapists](#), 3 February 2017

<sup>779</sup> Asian Human Rights Committee, [Pakistan: Honour killings continue in spite of several laws](#), 14 February 2017

Similarly, in their joint Shadow report to the UN Committee against Torture in March 2017, Human Rights Commission of Pakistan, World Organisation against Torture and Society for the Protection of the Rights of the Child stated:

There's a general trend of low conviction rates for any type of crime due to poor investigation and prosecution but conviction rates in crimes against women are abysmally low. For instance, various kinds of crimes against women in the province of Punjab during 2012, 2013, 2014 and 2015 were 5391, 5387, 5367, and 6505 respectively. The number of convictions at trial for the same period remained 378, 316, 211, and 81 and the acquittals were 2496, 2098, 1956, and 1585 respectively. There's an obvious steep downward trend as far as convictions are concerned.

According to lawyers and women's rights advocates apart from poor investigation and insensitivity on part of the police and prosecutors, one major reason why so many cases of murders of women in the name of "honour" go unpunished is that the family of the victim, often from the same family or clan as the perpetrator, "forgive" the perpetrator and do not become witness against the perpetrator. The police on their part fail to gather adequate independent forensic and circumstantial evidence to successfully prosecute the perpetrators. They often too work towards dropping the prosecution.<sup>780</sup>

In its March 2017 report on intimate partner violence in Pakistan the Overseas Development Institute stated:

While there are several formal response systems (police, courts and NGOs), the overwhelming consensus in our sample was that these services were not accessed until '*women's lives are in danger*' [...]. Nevertheless, survivors do have avenues that direct them to the appropriate authorities, counsel them, and help them should they seek justice. The government-run crisis centres are a first option, connecting victims to the police and shelters. Crisis centres provide '*health services and connect women to a lawyer in the community*' (KII 3). While these centres provide immediate and vital services, women can only stay at the centres for three days. There are government-run shelters that let women stay longer, and where women tend to go after filing a court case. Private shelters run by NGOs (such as Dastak and Panah) are also available and attempt to '*mediate at household level as well*'. In addition, survivors who seek justice can turn to lawyers who provide counselling and legal services, aiming to provide holistic care. Helplines were operational in Shah Faisal and Lyari to provide '*help on mental health, child abuse, medical and medical outreach*.' In Lyari, a 24-hour helpline was launched in January 2017 by the Citizens-Police Liaison Committee (CPLC). The helpline supports survivors to register complaints as a First Information Report (FIR) with the police (KII 23). The CPLC helps them connect to police stations, while the Public Complaints Authority (PCA) helps to deal with complaints after they have been reported.<sup>781</sup>

In another report published in March 2017 by the same source, it found that:

In Pakistan, there are government-run shelters (for women needing longer-term protection) and crisis centres that connect survivors to the police and shelter homes (that provide emergency accommodation for three days only). Additionally, in one of our study sites in Pakistan, a counselling helpline provided '*help on mental health, child abuse, medical care and medical outreach*' [...]<sup>782</sup>

Under-reporting of IPV to the police and formal justice system is a major challenge [...] Reflecting widely held beliefs that IPV is a '*private*' matter, respondents emphasised that incidents seldom reach the courts. As one key informant explained, in a joint family system like Pakistan, the desire to keep incidence of IPV out of the public sphere is strong, such that '*all religious leaders also stand against complaining*

---

<sup>780</sup> Human Rights Commission of Pakistan, World Organisation against Torture and Society for the Protection of the Rights of the Child, [Shadow Report to the Committee against Torture](#), March 2017

<sup>781</sup> Overseas Development Institute, [Understanding Intimate-Partner Violence through a Male Lens](#), 20 March 2017, 6.2 Formal responses to IPV

<sup>782</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 8.1.1. Services for Survivors

*outside. They all say that it's a personal matter, why should the police come and break the sanctity of a house?' [...]. As a result, the overwhelming consensus across the focal countries was that formal services were not accessed until 'women's lives are in danger' [...] often leading to further violence inflicted or instigated by in-laws if the woman attempts to seek justice [...].*

While government [...] should, in principle, bear the cost of all legal expenses in cases of VAWG [...], financial barriers also prevent some women, especially those from the poorest households and rural areas, from accessing formal justice. [...] It is therefore not surprising that in Pakistan, several in-depth interviewees and key informants stated that hiring a lawyer was too expensive, beyond the economic capacity of most families, and *'a waste of money'*, which is why *'they [survivors] prefer to solve their matters in the village'*. Another major impediment to accessing services was lack of awareness of available services. The onus is largely on survivors to reach out to services (like NGOs and shelters) but women were generally unaware of the existence of such services. In almost all our interviews and in Pakistan especially, participants reported that they were unaware of any NGOs that dealt with VAWG. Moreover, in Pakistan, if a survivor did go to a shelter or NGO, under-age girls (i.e. minors) were asked to identify their legal guardian and sent back to the guardian, placing them back in the cycle of violence they were trying to escape (KII 12). Indeed, echoing Valters and Jahan (2016), our research suggests that a significant barrier for many survivors is confusion about the legal reporting process. Legal processes also complicate survivors' access to formal justice. *'Reporting violence is a very difficult process, and many people would drop back mid-way'*, explained a key informant from BRAC. Many key informants saw legal aid organisations as critical to compensating for the complexity of the system, and the limited capacity of local officials and providers. Moreover, an important weakness in the formal response system that may explain why women were hesitant to seek formal justice for IPV is the poor treatment they typically receive at police stations. One key informant described *'a lack of sensitivity in the police service, medical-legal staff, and the staff working at the shelter. A lot of women have told us that the women in the police service are the most verbally abusive. The in-charge of the shelter home has said to a woman that you have had a second marriage, so now we can't do anything for you except tell you to do a third marriage or die in the current marriage'*<sup>783</sup>

In April 2017 Dawn.com stated with regard to women's representation in the police force that:

Although the country's legislatures have in recent years adopted several laws that aim to protect women's rights, the percentage of women in police remains below two per cent. According to officials quoting data compiled by the National Police Bureau (NPB), there are a total of 391,364 police personnel across the country, of which only 5,731 are women. The data shows that at 3.4pc, Gilgit-Baltistan boasts the highest percentage of policewomen when compared to the other regions and provinces. In one of the provinces the percentage of women in the police force is as low as 0.48pc. The officials admitted that apart from cultural norms and traditions, a lack of encouragement "from within the government institutions" contributed to the low ratio of women in the force, adding that it should at least be 10pc.

"The situation in Balochistan is disappointing," said an official citing the NPB data. "Only 156 policewomen are working in the largest province, where the strength of the force stands at 32,850. The situation is so grim that there is only one inspector, one sub-inspector and one female assistant sub-inspector in the force as a majority of the women are serving as constables," he regretted.

In Islamabad, the situation was comparatively better but hardly satisfactory, said the official, as 278 women personnel were working there, which came to only 2.8pc of the force. In Punjab there are 2,804 policewomen — 1.8 pc of the force — and in Sindh female participation stands at 1.5pc with 1,498 women in the force. "In Azad Kashmir, 1.6pc of the personnel are women, as there are only 129 women serving in the 8,325-strong force. In Khyber Pakhtunkhwa, the percentage is as low as 1pc, with 683 policewomen working in a force of 68,106 personnel," added the official. The officials, however, pointed out that the number of policewomen was improving as their percentage had increased to 1.46pc across the country from 0.94pc a year ago. [...]

---

<sup>783</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 8.1.2 Protection Services



Erum Awan, currently serving as superintendent of police (SP) in Karachi traffic police, agreed that there was a lack of interest among educated women towards the profession. However, she said, there were several other reasons as well behind the negative perceptions about the police force. “First, the girl’s family advises her not to join the profession,” said SP Awan. “Even if one dares to join the profession, she doesn’t encourage others to follow suit. That’s because even in this era, women personnel are not awarded key postings or regular policing jobs. They are always considered as a secondary part of the force in comparison to men,” she added.<sup>784</sup>

Similarly in July 2017 the Asian Human Rights Commission stated that “Despite recruiting more women amongst its ranks, there is no shift in attitude or gender sensitization within the police force. Perhaps it is intrinsically ingrained in the policing system of Pakistan, which sides with the deep pocketed perpetrator, leaving the victim high and dry. Feudal capitalism, a linchpin of patriarchy, and the resulting mindset ensure the continuity of systemic oppression and gender subordination of women in the society”.<sup>785</sup> Furthermore, in September 2017, the Daily Times stated:

In Pakistan, 6363, is the total number of women in the police from 15 organisations and 7 regions that makes up only 1.6 percent approximately of the total force. Gilgit-Baltistan with 183 police women has the highest percentage among the seven regions. The percentages of Punjab, KP, Balochistan, Sindh, and AJK & ICT are 1.8, 1, 0.5, 1.4, 1.5 and 2.8 respectively. The FIA with 205 women constitutes the highest percentage i.e. 11.4 among the 15 organisations. While acknowledging that the police sector is under resourced and overworked and the terror torn context of Pakistan makes policing a tremendously testing task here; the importance of community-centred and genderised policing should not be disregarded.

The structural inadequacy of police when combined with gender specific ineptness contributes to promoting support for vigilante. Luckily, the crimes of VAWG are no longer totally muted due to private media’s ascendancy and a little impact of the decade long collective efforts of various stakeholders (activists, progressive elements in different governments, funding of donors/technical aid agencies and rights based non-profit organisations). However, in the absence of any authentic data on VAGW/GBW and official policy of using data for decision making, gender equality and empowerment are nothing but a distant dream for the majority of women in Pakistan including women in the police sector. [...] Police organisations in Pakistan are often the sites of hegemonic masculinity. The concept of hegemonic masculinity, formulated two decades ago, has been defined by the Sociologist Connel, as the configuration of gender practice which embodies the currently accepted answer to the problem of legitimacy in patriarchy, which guarantees the dominant position of men and the subordinate position of women. The political conjuncture and patriarchal consensus must not be overlooked in this scenario. The hegemonic masculinity in police culture, very often diverts if not excludes, the discourse on violence against women and influences the way policewomen deal with women and girls who are survivors of violence. Unfortunately, gender mainstreaming and equality are the least developed attributes of leadership and management and neither are they well defined aspects of the policy formulations in the police service of Pakistan.<sup>786</sup>

Freedom House reported in May 2017 that “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”.<sup>787</sup>

In July 2017 the Asian Human Rights Commission reported:

---

<sup>784</sup> Dawn.com [Women make up less than 2pc of country’s police force: report](#), 26 April 2017

<sup>785</sup> Asian Human Rights Commission, [State sanctioned police brutality against women must stop](#), 6 July 2017

<sup>786</sup> Daily Times, [Engendering Policing in Pakistan](#), 12 September 2017

<sup>787</sup> Freedom House, [Freedom in the World 2017 – Pakistan](#), 19 May 2017

The Pakistani government's failure to prosecute rape, sexual torture and physical abuse of women by the law enforcement agency officials amounts to complicity in violence, and a systematic denial of equal justice to women.<sup>788</sup>

In June 2017, the UN Committee against Torture stated in its Concluding Observations:

While noting the adoption of the Anti-Rape Laws (Criminal Amendment Bill), 2016 and the Anti-Honour Killing Law (Criminal Amendment Bill) and the State party's commitment to addressing those crimes, the Committee is concerned about the reportedly high level of violence against women in the State party, which includes murder, rape, acid crimes, kidnappings, domestic violence and "honour killings". It is also concerned about the extremely low conviction rates for those crimes, and at reports that parallel justice systems (known as panchayats or *jirgas*), have sentenced women to violent punishment or even death, including stoning, and have provided lenient punishments for perpetrators of "honour crimes" and in other cases of serious gender-based violence.<sup>789</sup>

CHR Michelson Institute stated in its September 2017 report 'The Criminalisation of Rape':

The Women's Protection Act of 2006 reforms some blatant discrimination against women when it comes to defining sexual crimes, especially rape. However, this important "win" is undermined by the lack of a concentrated effort by the government to familiarise legal practitioners, victims, and their families with this law. Moreover, the Pakistani state has, as of yet, failed to consistently counter the open criticism voiced by religious political parties to the law, whether directly or by supporting and promoting religious leaders with more progressive views. For long lasting reform to occur, both the law itself and the institutional structures supporting the law must be streamlined. The CII and FSC [Federal Shariat Court] are parallel structures that undermine the efficacy of Pakistan's Supreme Court, high courts, and the legislature. Pakistan's constitution provides that the high courts are the courts of appeal for violations of citizens' fundamental rights; however, the high courts are not available as an appellate court for violations under the Hudood Ordinances. Those appeals fall within the FSC's jurisdiction in the past four years or so, the CII [Council on Islamic Ideology] has issued controversial and clearly retrogressive opinions on gender-related aspects of Pakistan's laws. Such statements by the CII not only make it difficult for legislators to pass progressive legislation, but also clearly undermines the ability of the government to implement and enforce laws once they are passed.<sup>790</sup>

In December 2017, Inter Press Service cited Sana Jawed who is currently managing the new "state-of-the-art all-women" Violence Against Women Centre (VAWC) in Multan, in Southern Punjab:

"We provide a fully functional police station, medical facility, forensic lab and legal aid as well as post trauma rehabilitation, all under one roof." --Sana Jawed. [...] The VAWC has been set up in an agricultural belt which is particularly dangerous for the Pakistani woman, who are treated worse than cattle. [...]. "In some villages, until just a few years ago, women were not allowed to wear any footwear. That meant they wouldn't be able to walk with ease around the village. If that happened, it would mean they would become more confident and not remain mere doormats. They would eventually find a tongue...and men certainly didn't want that happening," said Jawed. Women, she said, are used as bargaining chips to settle family feuds, living in constant fear of being forced to marry, wedded in exchange, or punished for having spurned a marriage proposal. Even when married, she may find no peace or respect in her husband's home where she may be punished at the slightest of provocation. "Women have come to us with severe burns on their face, with scalding tea thrown at them," said Jawed. [...] In what can only be termed as groundbreaking, the Punjab government has come up with a law to protect women. But unlike laws that have come with great fanfare and been forgotten just as quickly, this one comes complete with a mechanism for strict adherence to implementation. [...] To breathe life into the act, the Punjab government has set up what it calls a "one-stop shop" VAWC in

<sup>788</sup> Asian Human Rights Commission, [State sanctioned police brutality against women must stop](#), 6 July 2017

<sup>789</sup> Committee against Torture, [Concluding observations on the initial report of Pakistan](#), 1 June 2017 para. 30

<sup>790</sup> Chr. Michelson Institute (CMI) Working Paper, [The Criminalisation of Rape in Pakistan](#), September 2017 p.

Multan. It began functioning in March this year with the aim of providing legal, medical and psychological counselling to survivors. [...]

"In the first six months since we opened the centre, we received over 1,000 cases from Multan district alone," said Sufi. The number of violence-related cases is far more. Overall, in Punjab, according to data gathered by the Aurat Foundation, in 2017, of the 5,979 reported cases of violence, 178 were of women killed in the name of honour, 1,086 were raped/gang-raped and 1,626 were kidnapped. [...] By March 2018, three more centres will start operating in other big cities of Punjab including Lahore, Faisalabad and Rawalpindi. "The idea is to eventually have one centre in each of the province's 36 districts," said Sufi. Jawed explained that the VAWC aims to eliminate the lengthy process of registering a complaint about violence. "We provide a fully functional police station, medical facility, forensic lab and legal aid as well as post trauma rehabilitation, all under one roof." In addition, there is a toll-free 24-hour help line where women can register any complaint of violence immediately.[...] "From the time a survivor enters the police station where she's eyed and questioned by not less than four to five police officers and asked to repeat her story that many times, to the time she goes through medical investigation, valuable evidence is lost," explained Ahmed. He said for a city of over 20 million, Karachi has only two female medico-legal officers (MLOs) and if the woman comes to the hospital after their duty hours, the delay may cause loss of solid evidence. The same sorry situation, he said, was found all over Pakistan, which has 14 female MLOs and the same misogynistic mindset at police stations. Back in 2016, when the law for the protection of women was presented to the parliament, it was met with much ire from the religio-political parties as well as members of the legal fraternity who termed it "un-Islamic". Many found it an affront to a male ego in this patriarchal country and insisted it would lead to breaking up families.[...] The law seems to have everything covered — a monetary order ensures a woman's earnings are safe and another order sees to it that the woman is not kicked out of the home by her husband or the family. And yet, despite there being a series of "good legislations" that have been promulgated in recent past, Zohra Yusuf, a council member of the independent Human Rights Commission of Pakistan, says violence against women continues because of "weak enforcement" of those laws. But more than laws that provide "potential tools for survivors", Zia said until attitudes and bias inherent not only in society, but also within our institutions, change, VAW will continue. "There is social impunity and lack of recognition of many practices as VAW." To which Yusuf added: "Coupled with that is the misogyny that the administration and justice systems suffers from."<sup>791</sup>

### 7.3.5 Women's access to justice

In its September 2016 report the US Agency for International Development (USAID) stated:

Inhabitants of Pakistan's Tribal Area do not have access to the High Court and Supreme Court except for constitutional claims and challenges. Land disputes are handled by the traditional jirga: a round-table conference in which there are no leaders, and participants are selected at the time of convening based on age, reliability, and shrewdness. Decisions must be unanimous and the jirga can impose fines for wrongful behavior. In Punjab and Sindh Provinces, local leaders and elected panchayat (local governance body) members often hear and resolve land disputes. In most areas women are not permitted to participate in the jirga, and resolutions reached often perpetuate existing biases against women's land ownership and control.<sup>792</sup>

In December 2016 Mint Press News featured an interview with Nabila Qureshey, Director of the GEP Project at War Against Rape (WAR) in Karachi, Pakistan, who stated:

Social Pressure on survivors and their families, biased, judgmental and discouraging behaviors of the police and medico-legal officers, lengthy, insensitive and snail-paced court proceedings and

---

<sup>791</sup> Inter Press service, [Pakistan Gets Its First One-Stop Shop for Women Fighting Violence](#), 10 December 2017

<sup>792</sup> United States Agency for International Development (USAID), [USAID Country Profile Property Rights & Resource Governance Pakistan](#), (page 10), September 2016

environment, patriarchal mindset of the society are the major hindrances/deterrents to provide speedy access to justice to survivors.<sup>793</sup>

The February 2017 International Crisis Group report stated:

Many women approach the courts and organisations like HRCP [Human Rights Commission of Pakistan] to register the arrest, disappearance or killing of male relatives. Yet, women often find it difficult to access formal legal channels, not least because of the high costs and their loss of the household's main wage earner. The MQM [Muttahida Qaumi Movement - largest party in Karachi], which gives them little financial help, should establish a party fund for the purpose. Rights activists also complain that it insists on having party representatives present in civil society consultations with such women, adding to the challenge of obtaining detailed, accurate information.<sup>794</sup>

A March 2017 Overseas Development Institute report outlined informal justice responses to intimate partner violence (IPV):

In Pakistan [...], community members and NGO practitioners stressed the critical importance of the local arbitration system ([...] *'jammāt'* in Pakistan), a traditional informal justice system through which influential local figures come together in small panels to help resolve community members' disputes, including marital disputes. [...] However, these informal courts may not always be a viable option for many, as one 16-year-old girl in Deh Chohar, Pakistan, explained: hypothetically, if she was stuck in a cycle of violence, she would *'not go to community head, because he will send me back to my husband and then it will bring a bad name for my family. My husband will also not take care of me like before.'* Thus, informal arbitration may (intentionally and unintentionally) put the onus on women to continue tolerating violence by remaining with abusive husbands – all in the name of protecting his family's social status. [...] Women's fears about loss of social status are not unfounded, especially since in Pakistan, focus group discussions with women indicated that *'the jammāt don't keep issues confidential and this ruins the image of the family'*.<sup>795</sup>

With regards to family and community reactions to domestic violence, a further report from the same source on 'Understanding Intimate-Partner Violence through a Male Lens' documented:

There was consensus that when IPV did occur, a woman should, first and foremost, turn to family members for help, although respondents had varied opinions on which family member might be most appropriate. Some believed that a woman should turn first to her marital family – either the husband or parents-in-law – while most felt that a woman should turn to her own parents. As noted in the survivor interviews, however, women were hesitant to reveal their situations to their parents for fear of giving them *'tension'*, a *'bad reputation'* or *'dishonour'*. In the rare case of love marriages, women would remain in their marriage: *'I have been beat up almost 20 times but because it was my love marriage and against my family's wish, I was tolerating it. I thought "what will my family say?" I was also tolerating it for my son and daughter'* (Woman survivor 4, Lyari) When women told their own families what had happened, reactions were often mixed. Some relatives would tell them to tolerate the violence, and/or attempt to reconcile husband and wife. Some family members did not understand the seriousness of the violence. One survivor in Shah Faisal who had been kissed on the lips by her father-in-law said that her sister saw it as a *'misunderstanding'*. Other families, however, encouraged their daughters to divorce their husbands.[...] As one key informant at Aga Khan University explained, in a joint-family system, the desire to keep IPV out of the public sphere is so strong that *'all religious leaders also stand against complaining outside. They all say that it's a personal matter, why should the police come and break the sanctity of a house?'* [...]. Nevertheless, several participants explained that

---

<sup>793</sup> Mint Press News [War Against Rape In Karachi: Advocating For A Rape Free Society](#), 30 December 2016

<sup>794</sup> International Crisis Group Asia Report No. 284, [Pakistan: Stoking the Fire in Karachi](#), 15 February 2017, p.20

<sup>795</sup> Overseas Development Institute, [Men and Intimate Partner Violence from Research to Action Bangladesh, Nepal and Pakistan](#), March 2017, Section 8. Pages 46- 47

communities became involved when parents were unable to reconcile a couple. In Balochi communities, people of the same tribe or caste would try to help couples of their own group. [...]

In non-Balochi communities, elders or village community councils (*panchayats*) were the next level of response. However, this may not be a viable option for many girls and women. One 16-year-old girl explained that if she was stuck in a cycle of violence, she would: *'not go to the community head, because he will send me back to my husband and then it will bring a bad name for my family. My husband will also not take care of me like before.'* The role of the village council or community elders was to reconcile the couple, but all participants agreed that if the village elders were *'unable to solve the problems, the couple would get a divorce'*. It was stressed, particularly in Deh Chohar, that no outside courts would be involved in getting a divorce. One grandfather at this site added: *'if a husband gives a divorce then it's an easy process, but if a husband does not want to give a divorce then the court will decide'* (grandfather, IGT 5, Deh Chohar). The norms around divorce also ensure that men are free to marry again while women tend to be marginalised and unable to re-marry.

Informal religious courts are another form of response management. Known as *jammats* (which translates as 'group of people' in Urdu), these religious courts were seen as *'beneficial'* in handling any cases of GBV, according to a mother in Lyari. In *jamat*: *'... usually the girls' side approaches the jammat first. The members of the jammat listen to both sides before finalising their decision. They talk to the woman, man and their families before giving their verdict'* (20-year-old boy, Lyari). One underlying reason for choosing informal religious courts rather than formal courts was that the community saw religious courts as effective in solving the problem.

In one case, village elders were deemed more successful than formal courts because they persuaded the ex-husband to let his ex-wife keep their daughter, even though she had not won custody of the child. Key informants described several weaknesses of these informal mechanisms, including the strong cultural drive to keep violence private, with women only seeking help when *'they are injured to such an extent that they need to be taken to the hospital, in which case the incident comes into notice'* [...]. Discussions with women in Lyari suggested that they were not satisfied with the local village council because *'the jammat at times does not take any justified decisions. They [jamat] also don't keep issues confidential and this ruins the image of the family'*.<sup>796</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) comprised of seventeen non-governmental organizations stated in April 2017:

Under the current Muslim Laws there are a number of contradictions in the laws, which again create hurdles in their fair implementation. For example, the Dissolution of Muslim Marriages Act, 1939, speaks about various grounds on which a woman can claim divorce. Under Section 5 of the Act, the right to dower of a wife filing a divorce suit under this law is not affected. Whereas; under procedural law, Family Courts Act 1964, Section 10 clause says if during the suit for dissolution of marriage, the reconciliation attempted by the judge fails, the wife has to return the *Haq Mehr* (dower) received at the time of marriage, thus creating difficulties for the woman in getting a divorce.[...]

Clause 18 of the marriage contract allows the husband to delegate his right of divorce to the wife, but in practice families and elders usually cross out this clause before handing over the contract to the bride, on the pretext that it is a bad omen to talk of divorce when the marriage is being solemnized. If the right of divorce has not been delegated to her at the time of marriage then she must seek relief under the law, applying for dissolution of marriage, if any of the issues fall within the prescribed reasons why dissolution is allowed, or apply through *khula* whereupon the process must be taken through the courts.

All personal laws, including Muslim personal law, do not recognize the mother as an equal guardian. The Guardian and Wards Act privileges the rights of the male guardian above those of the child and the mother, as Section 19 (b) asserts that no one can be appointed guardian of the property of a child if the father is alive and is not unfit.<sup>797</sup>

---

<sup>796</sup> Overseas Development Institute, [Understanding Intimate-Partner Violence through a Male Lens](#), 20 March 2017, 6.1 Informal responses to IPV

<sup>797</sup> The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) [A Joint Civil Society Shadow Report](#), April 2017

In its submission to the UN ECOSOC in May 2017 Amnesty International reported:

Amnesty International is aware that women who seek judicial remedies for the violation of their rights face a series of challenges in Pakistan. Those without means to hire a lawyer cannot easily access legal aid. Police, prosecutors and judges often lack an understanding of women's rights. Court trials are subject to long delays.<sup>798</sup>

In June 2017 Amnesty International stated it "has recorded a number of cases where women have faced obstacles accessing justice for the violation of their rights."<sup>799</sup>

Also reporting in June 2017 the Asian Human Rights Commission stated:

Women in Pakistan continue to be prey to jirgas, a parallel justice system held by the influential and landed aristocracy. Rape victims and their parents are forced by jirgas to make out of court settlements or otherwise the rape survivors will be declared as Kari, liable to be killed by anyone. In the latest such event, a jirga forced the parents of a 12-year-old girl to accept a 1.8 million rupees settlement. In another case, when a settlement could not be reached with the family of a 19-year-old girl, the jirga declared her Kari and sentenced to death by stoning or to be sold off. A 12-year-old girl from Kandhkot, Sindh province was allegedly gang raped by her employer and seven other men who remain at large in Karachi's Malir Cantonment area. The main perpetrator, an influential landlord, has allegedly taken refuge at the house of a powerful gang leader. The police are reluctant to apprehend him, given his political clout in the region. Though the Chief Justice took notice of the incident, not a single hearing in the case has taken place to date. Meanwhile, a senior politician and influential feudal lord, Sardar Taj Mohammad Domki, called a press conference to announce that he had settled the case through a jirga, and imposed a fine of Rs1.8 million against the "real accused". Ironically, an FIR has been registered against the girl's father, the father of one of the alleged rapists and 12 others, on behalf of the state for settling the matter in a jirga. In another travesty of justice, a jirga ordered a 19-year-old girl from Rajanpur who was raped at gunpoint by her cousin, to be either killed by stoning or sold off on charges of adultery levelled against her. When the girl's family approached the Panchayat after learning of the rape, four men, including the father of the alleged rapist, forced the Panchayat to pronounce the girl a Kari. The girl's father was forced to accept the decision. Subsequently the girl approached the police to lodge a complaint of rape. The rapist is still at large. In all these events, the police are merely silent spectators, while the lower judiciary, where the cases are being heard, do not bother to stop such crimes despite jirga or tribal judiciary having been declared unconstitutional and illegal in 2004. Those found in breach are to be tried for contempt of court. The silence of the judiciary makes it an accomplice to the perpetrators of such crimes. The practice of jirga also contravenes Articles 4, 8, 9, 10, 10(a), 14, 25, 34 and 37 of the Constitution which guarantees legal protection, right to enjoy life, liberty and justice to the citizens of Pakistan and to be treated in accordance with the law. The prevalence of jirga indicates the lack of trust in the country's criminal justice system. The jirga purportedly provides a summary trial as opposed to lengthy criminal proceedings, which is thus favoured by ordinary people unable to afford expensive and lengthy litigation. However, a system that denies justice and equity in favour of nepotism and monetary gains, only serves to destroy society's moral fabric. Having no sound knowledge of legal or Islamic jurisprudence, jirga members dole out horrendous punishment whimsically, and impose undue fines on the parties. As it is often the perpetrator of the crime who calls on the jirga, it is assumed that the alleged perpetrator is innocent. Moreover, the party with higher social and economic standing gets away with all manner of crimes, leaving the victims high and dry.<sup>800</sup>

Similarly, Amnesty International reported in July 2017:

---

<sup>798</sup> Amnesty International [Submission to the United Nations Committee on Economic, Social and Cultural Rights 61<sup>st</sup> Session](#), 29 May to 23 June 2017 Section 2.5 Non discrimination and Equality

<sup>799</sup> Amnesty International, [Pakistan: Economic, social and cultural rights under attack](#), 12 June 2017

<sup>800</sup> Asian Human Rights Commission, [Pakistan: Travesty of justice in the name of Jirga](#), 2 June 2017



The rape of a teenage girl ordered by a village council in ‘revenge’ for a rape allegedly committed by her brother is the latest in a long series of horrific incidents and must lead to urgent reforms. [...]

While 20 people from a village council near Multan have been arrested for ordering the rape, Pakistan’s authorities must end impunity for sexual violence and abolish so-called village councils that prescribe horrific crimes as revenge. “Pakistan’s authorities must end impunity for sexual violence and crack down on the so-called village councils that prescribe horrific crimes against women and girls, often in revenge for acts committed by others. For far too long, there has been an indulgence of these unspeakably cruel practices,” said Nadia Rahman, Amnesty International’s Pakistan Campaigner. “No cultural traditions can justify attacks on women and girls. Violence against them is always the opposite of justice. Female bodies are not commodities to be bartered for the settling of scores. The perpetrators must face punishments that reflect the gravity of their crime, through fair trials without recourse to the death penalty.” Pakistan’s failure to protect women and girls against the arbitrary and cruel decisions of so-called village and tribal councils has been the subject of longstanding scrutiny by the United Nations’ human rights bodies. Earlier this month, the Pakistani government was asked by the UN Human Rights Committee to detail steps it has taken to regulate parallel ‘justice’ systems, such as jirgas. The committee said it had received several reports of discrimination and violence against women at the hands of these parallel systems. The Pakistani government claimed that they “could not exercise jurisdiction in criminal matters”, adding that “the sole authority in that regard rested in national courts.” “By allowing these councils to operate, the authorities are complicit in the crimes they order. It is not enough to arrest people after horrific attacks that take place. The authorities have a duty to protect women and girls, prevent further such attacks, and end the fear and stigma that victims suffer,” said Nadia Rahman, Amnesty International’s Pakistan Campaigner.<sup>801</sup>

The UN ECOSOC raised its concern in its Concluding Observations published in July 2017 that “women are facing difficulties in seeking judicial remedies because law enforcement officials and judges lack awareness of women’s rights, because women lack awareness of their own rights and of the judicial procedures to claim those rights, because women do not trust the justice system and because there is insufficient free legal assistance (art. 3).<sup>802</sup>

In July 2017 the Asian Human Rights Commission reported:

A video has recently surfaced in Pakistan, where a contingent of police officers can be seen baton charging a group of unarmed women mill workers protesting in Muzaffargarh, Punjab. The scuffle occurred inside the district court of Muzaffargarh in broad daylight, yet the judicial officer never took any action against the erring police officers, nor was any police officer suspended for transcending his authority. [...] Police brutality and violence is not a new phenomenon in the country. Law enforcement officials regularly transcend their authority amidst a lack of accountability, leaving ordinary people to suffer silently. In particular, religious minorities, women and children suffer the wrath of the police the most. It is tragic that those to be protected by the police become its victims.[...]When protectors themselves become the perpetrators it becomes impossible to seek or even expect justice. Consequently, most violence against women goes unreported, with victims fearing further victimization at the hands of the police .<sup>803</sup>

The Australian Government Department for Foreign Affairs and Trade (DFAT) country information report stated in September 2017:

Women in Pakistan also face a high level of official discrimination, including in relation to the ineffectiveness of official processes to prevent violence against women and to prosecute the offenders.

<sup>801</sup> Amnesty International, [Pakistan: Village council ‘revenge’ rape order must prompt urgent reforms](#), 27 July 2017

<sup>802</sup> UN Committee on Economic, Social and Cultural Rights (ECOSOC), [Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 33

<sup>803</sup> Asian Human Rights Commission, [State sanctioned police brutality against women must stop](#), 6 July 2017

Women face legal discrimination on issues such as inheritance, property rights, family law, and formal and traditional judicial processes.<sup>804</sup>

In its November 2017 submission to the UN Universal Periodic Review Working Group, Amnesty International stated:

Despite some progressive legislative initiatives, access to justice remains difficult for women. Gender norms in parts of the country often lead to women suffering abuse and exploitation in silence. Police officers and lawyers often encourage survivors of violence to reach “out-of-court” settlements instead of pursuing legal remedies. Female officers make up less than 1% of the country’s police force, which partly accounts for the reluctance of women to file complaints in the first place.<sup>805</sup>

## 7.4 Harmful traditional practices

### 7.4.1 Honour killings

Dawn stated in October 2016 that “The 2016 Amendment to Offences in the Name/ Pretext of Honour Act has had mixed reactions”.<sup>806</sup> The same source further noted that:

Critics say the definition of ‘honour crime’ remains vague in this law. They maintain that the compoundability provision is still available for pardoning such crimes. They also suggest that, by denying honour as his motive, the culprit may be able to invoke the pardon provision. The anti-honour killing campaign in Pakistan has always been plagued by a conceptual dilemma and grammatical debate. One camp of activists has argued that the positive associations of the noun ‘honour’ should be expunged from the understanding and definition of such crimes against women. Under the slogan, ‘there-is-no-honour-in-honour killing’ they suggest these killings should be treated as common murder and punished accordingly.

Another camp feels that honour crimes signify very specific gendered dynamics. These crimes are a combination of domestic/ community violence, state collusion and laws that allow forgiveness. Removing the term ‘honour’ would erase the adjective that describes the act/ motive for controlling women’s choice and agency — usually sexual or marital. Not everyone is happy with the amended law. Accepting honour claims allows us to understand that men do not try and hide their act of killing but, in fact, claim, confess and own it. The price for lost honour is paid by sacrificing/ killing the ‘dishonourable’ woman. Honour is thus recovered and social balance restored. This camp believes laws should not just punish but amputate the honour code shared by the state, police and communities that practise it. We must isolate the murderer and his act by taking away any moral, religious, customary or legal impunity.

Both camps agree that compoundability under the Qisas and Diyat laws has allowed murderers to be forgiven by their legal heirs for killing their sisters/ wives/ female family members. This unresolved debate of whether or not to recognise honour-motivated acts as exceptional crimes against women has affected the law and the debate that follows. The recent amendments are commended by the second camp but criticised by the first. By asking for a stronger law, however, the critical camp is actually making a case for no anti-honour laws altogether.

First, defining ‘honour’ is problematic precisely because it’s a vague and abstract false notion. This may make legal defence of victims challenging. Regardless, the amended law shifts the burden of this undefined honour on the killers. Now if a man claims he has murdered for honour he is unambiguously a criminal liable to at least minimum punishment. If he denies the claim of honour to escape the penalty and qualify for forgiveness then automatically, inadvertently and ironically, he will lose the ‘honour’

---

<sup>804</sup> Australian Government, [DFAT country information report](#), 1 September 2017

<sup>805</sup> Amnesty International, [Submission to the UN Universal Periodic Review Working Group](#), November 2017

<sup>806</sup> Dawn.com, [honour’, October](#) 2016

badge. He's just an ordinary murderer by his own confession. The notion of honour may unpack itself and dissipate in this process.

Secondly, critics worry that denying honour as motive will allow the murderer to apply for pardon. But in any crime, motive has to be either confessed or established, so this is no different.

Third, critics advocate maximum punishment whether or not the murderer claims honour. This amounts to asking for a separate, gender-based punishment for murders of women only, and contradicts the existing Qisas and Diyat laws.

Such objections amount to arguing that there should be no anti-honour law. They suggest that because the motive is too slippery to establish, all murderers of women should be tried according to normative murder laws but be awarded the kind of punishment requiring amendment of a different law. The value of the 2016 amendment is that it potentially breaks the unspoken bond between state and community-level honour codes. The state has retracted the easy pass which allowed men to kill for honour with impunity. It sends a message to women about their right to choice and justice.<sup>807</sup>

Writing in the Express Tribune in October 2016, writer and barrister Benazir Jatoi stated:

So what has the new law amended? The lawmakers have provided for one basic fundamental change through the new amendments — increased discretion of the judge. The discretion of the judge may now be more widely invoked where 'honour' is found to be in issue. The new law states that taking into consideration the facts and circumstances of an individual case, the judge has the discretion to decide whether the principle of fasad-fil-arz (aggravated circumstances) is attracted, where the offence has been carried out in the name of so-called 'honour'. The law defines aggravated circumstances as the past conduct of the offender and crimes, which are so brutal in nature that they are 'outrageous to the public conscience'. Rightly, the penal code definition includes crimes committed in the name or pretext of 'honour'. Invoking the discretion of the judge is a very good development. But if the penal code is studied in depth, this discretion already existed. The new amendment only more clearly spells out what the law already provided for. What has been added to the discretion is that the judge will have no choice but to sentence the accused to life imprisonment should the principle of fasad-fil-arz be attracted.

The definition of fasad-fil-arz has not changed, only the positioning of it has. Why then in the past have judges not invoked their discretion by finding aggravated circumstances to ensure that justice for a victim is achieved? Because as long as the crime of 'honour' is linked to compromise between the parties and forgiveness of the accused, it is like expecting the captain to steer the ship to the lighthouse, strapped in a straightjacket. The new law has now clearly provided the judge with the discretion to overrule any forgiveness granted by the victim's family by invoking the principle of fasad-fil-arz. When invoked, this principle will also ensure that the accused, if found guilty, will serve a minimum sentence of life. These powers have the capability of transforming how the criminal justice system has dealt with so-called 'honour' killings. However, with so much power and faith placed in the judges, judicial training and guidance from the appellate courts on how 'honour' killing cases should be approached will be pivotal.

The law must be followed up with clear and unambiguous Supreme Court guidelines that clarify how the new law should be interpreted and applied to ensure justice in cases of 'honour' crimes is achieved. This will leave room for the jurisdiction of the appellate courts to be invoked, should a trial court judge pass judgment not in line with the guidelines.<sup>808</sup>

The UN Committee on the Elimination of Racial Discrimination stated in October 2016:

While noting the efforts made by the State party to combat violence against women, the Committee remains concerned at its persistence, particularly against women from an ethnic and religious minority background. The Committee is particularly concerned that, despite the provisions in the Criminal Law (Amendment) Act of 2004 that criminalize offences committed in the name of honour, as well as the adoption of the Criminal Laws (Amendment) Bill 2015, the practice of honour killings is still pervasive throughout the country; that the penalties provided for in the 2004 Act are not dissuasive; and that the

---

<sup>807</sup> Dawn.com, [honour', October](#) 2016

<sup>808</sup> Express Tribune, [The Law that keeps on forgiving](#), 15 October 2016

*qisas* and *diyat* ordinances continue to be applied in those cases, resulting in perpetrators being pardoned and not being prosecuted and punished.<sup>809</sup>

The 2017 US State Department report noted:

Because honor crimes generally occurred within families, many went unreported. Police and NGOs reported that increased media coverage enabled law enforcement officials to take some action against a limited number of perpetrators. In July 2016 social media celebrity Fouzia Azeem (better known as Qandeel Baloch) was killed by her brother at their family home in southern Punjab. The brother said she had shamed the family with her “liberal” lifestyle. The government charged Baloch’s brother and accomplices with her murder, which made the state a party in the case and barred the family from “forgiving” the brother and setting him free, a common outcome in these types of killings.

The practice of cutting off a woman’s nose or ears, especially in connection with honor crimes, was reported, and legal repercussions were rare.<sup>810</sup>

In February 2017 Amnesty International stated:

The Human Rights Commission of Pakistan recorded almost 3,000 cases of violence against women and girls, including murder, rape and gang rape, sodomy, domestic violence and kidnappings. The Punjab Protection of Women against Violence Act was passed by the Punjab Provincial Assembly in February, despite opposition from Islamic parties. An amendment to the law on so-called “honour-based” killings was introduced to end impunity for such crimes, but allowed for the death penalty as a possible punishment and for perpetrators to have their sentences lessened if they secure a pardon from the victim’s family. It remained unclear how the authorities will distinguish between an “honour killing” and other murders, or what standards of evidence would apply, or what penalties would ensue. Human rights NGOs and activists were concerned that the penalty imposed should not depend on whether or not the victim’s family had pardoned the crime. According to the Human Rights Commission of Pakistan, around 512 women and girls, and 156 men and boys, were killed in 2016 by relatives on so-called “honour” grounds. As many cases went unreported, or were falsely described as suicides or natural deaths, the actual number was almost certainly much higher.<sup>811</sup>

In February 2017, the Asian Human Rights Committee stated:

The sudden and inexplicable surge in violence against women this year has sent shivers down the collective spine of the country. Not that previous years had been any different in terms of violence against women. However, the year 2017 appears to be particularly brutal with more than a dozen honour killings occurring in the first one and half months. [...] Huma Shah Nawaz, 27, from Kohat, KP province. She is the latest victim of an honour killing. Huma was daring enough to defy the advances of her cousin who wanted to marry her. He became enraged when she refused his proposal. Employed at an NGO in Islamabad, a small town girl from Kohat, Huma was the sole breadwinner of her widowed sister-in-law, her children and her divorced sister and her child.

As condemnation poured in from across the globe, the State leapt into action. They arrested the father of the murderer who is on the run and is yet to be apprehended and arrested. State inaction amounts to an endorsement of all such acts occurring in the name of honour of a tribe or family. By normalizing torture in the name of honour, society has allowed men to do as they please and literally get away with murder.[...] According to the statistics of violence against women, contained in a report by the Ministry of Law, Justice and Human Rights to the Parliament, there were 860 “honour” killings (mostly women), 481 incidents of domestic violence 90 cases of acid burning, 344 cases of rape/gang rape, and 268 incidents of sexual assault/harassment. And this is just the official toll. Less than half of the abuses that occur are reported to the police. The laws against the practice of honour killings have been toughened.

<sup>809</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined twenty-first to twenty-third periodic reports of Pakistan](#), 3 October 2016 para.21

<sup>810</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women

<sup>811</sup> Amnesty International [Amnesty International Report 2016/17: Pakistan](#), 22 February 2017

However, nearly 40 honour killings have been recorded since the promulgation on October 7, 2016 of the Anti-Honour Killing and Anti-Rape Bills. This fact speaks volumes about the state of implementation of these laws.<sup>812</sup>

In their joint Shadow report to the UN Committee against Torture in March 2017, Human Rights Commission of Pakistan, World Organisation against Torture and Society for the Protection of the Rights of the Child stated:

According to the statistics available with the Punjab Police, the numbers of 'honour killings' for the province of Punjab from 2011 to 2016 were 256, 184, 275, 312, 242, 248 respectively.<sup>114</sup> These are cases that somehow found their way to the police stations. There could be many more since a lot of honor killings are registered as suicide or not reported or investigated.

According to the Federal Ministry of Law and Justice 933 people were killed across the country in the name of honour during 2013-14. The report said a total of 456 and 477 cases of honour killing were reported in Pakistan in 2013 and 2014, respectively. The greatest number of such cases (602) was reported from Sindh. As per the federal law ministry's data for 2013, 66 cases of honour killing were reported in Punjab, 315 in Sindh, 47 in Khyber Pakhtunkhwa and 28 in Balochistan. Similarly, 477 such cases were reported in 2014. Of these, 80 cases belonged to Punjab, 287 to Sindh, 78 to Khyber Pakhtunkhwa and 32 to Balochistan. [...]

According to lawyers and women's rights advocates apart from poor investigation and insensitivity on part of the police and prosecutors, one major reason why so many cases of murders of women in the name of "honour" go unpunished is that the family of the victim, often from the same family or clan as the perpetrator, "forgive" the perpetrator and do not become witness against the perpetrator. The police on their part fail to gather adequate independent forensic and circumstantial evidence to successfully prosecute the perpetrators. They often too work towards dropping the prosecution. An amendment to the Criminal Code was introduced in October 2016 ostensibly to strengthen the law to prosecute the perpetrators of violence against women in the name of "honour".

But some practitioners have expressed skepticism over its effectiveness. For instance, it has been argued that there still is a major loophole since the possibility of compounding has been left open. Section 345 of the Code of Criminal Procedure, 1898 which generally allows compounding of certain offences relating to human body including murder may in fact still apply to honor killing if families reach an out-of-court settlement or compromise. Further, no concrete steps have been taken to enhance the ability and capacity of the investigating agencies to ensure adequate evidence is gathered to successfully prosecute. Unless the police investigation is strengthened to hold the perpetrators of violence against women accountable, protection of witnesses is provided and more reliance is placed on forensic and circumstantial evidence gathered with the help of modern scientific methods, violence against women will continue to go unpunished.

While it is too early to assess the effect of the amendment, what can be reported is that hundreds of honour killings have taken place in the six months since the law was passed. In fact, with more than 20 cases of honour killing reported in Khyber-Pakhtunkhwa since the start of the year, violence against women has been on the rise in this province.<sup>813</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan noted that "According to a report compiled by a newspaper and published in December, at least 274 women had been killed in the name of 'honour', 206 gang-raped, 2,840 raped, and 681 murdered across the country. In total, more than 5,660 crimes were reported against women in Pakistan's four provinces during the first 10 months of the year".<sup>814</sup> The same source further noted with regards to regional statistics that:

---

<sup>812</sup> Asian Human Rights Committee, [Pakistan: Honour killings continue in spite of several laws](#), 14 February 2017

<sup>813</sup> Human Rights Commission of Pakistan, World Organisation against Torture and Society for the Protection of the Rights of the Child, [Shadow Report to the Committee against Torture](#), March 2017

<sup>814</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Violence against women* p.50

Punjab is the most populous province of the country and, as expected, it had the worst record of the number of crimes. More than 3,400 women were the victims of shocking crimes in the province during the first six months of the year.

The province of Khyber Pakhtunkhwa reported the lowest number of crimes against women with 202 cases between 1 January and 30 June 2017. Sindh witnessed 1,704 crimes in the first 10 months of the year, while Balochistan reported 354 cases during the same period.

Some experts believe that more crimes are reported in the Punjab and Sindh which could account for the higher number of recorded crimes in those provinces. In Khyber Pakhtunkhwa and Balochistan, tribal culture and the jirga system discourage women from reporting crimes.<sup>815</sup>

In June 2017, the UN Committee against Torture stated in its Concluding Observations:

While noting the adoption of the Anti-Rape Laws (Criminal Amendment Bill), 2016 and the Anti-Honour Killing Law (Criminal Amendment Bill) and the State party's commitment to addressing those crimes, the Committee is concerned about the reportedly high level of violence against women in the State party, which includes murder, rape, acid crimes, kidnappings, domestic violence and "honour killings". It is also concerned about the extremely low conviction rates for those crimes, and at reports that parallel justice systems (known as panchayats or *jirgas*), have sentenced women to violent punishment or even death, including stoning, and have provided lenient punishments for perpetrators of "honour crimes" and in other cases of serious gender-based violence.<sup>816</sup>

In June 2017 Asian Human Rights Commission stated:

While honor killings are seen by perpetrators as a means to wipe out all evidence of other crimes, such as rape, the tribal mindset does not see the murder of a woman in the same way as the murder of a man. For a society that denies her every single basic human right, a woman's life is worth less than her honor. Just as crimes against women are increasing in brutality, the punishments prescribed by jirgas are also becoming more brutal. In 2016 for instance, a 16 year old girl from KPK province was ordered to be burnt alive for helping her friend elope.<sup>817</sup>

In July 2017, BBC news reported that:

Some 20 people from Multan, Pakistan, have been arrested for ordering the rape of a teenage girl, in revenge for a rape her brother allegedly committed. Police said the families of the two girls are related. Members of both had joined forces to decide what should be done. "A jirga had ordered the rape of a 16-year-old girl as punishment, as her brother had raped a 12-year-old," police official Allah Baksh told AFP. He said the village council was approached earlier this month by a man who said his 12-year-old sister had been raped by their cousin. The council then ordered the complainant to rape the sister of the accused in return - which police say he did. Pakistan's Dawn newspaper reported that the girl was forced to appear before the group and raped in front of them and her parents. The mothers of the two girls later filed complaints at the local police station. Medical examinations have confirmed rape in both cases[...] Another officer, Ahsan Younas, told BBC Urdu that the first girl to be raped was aged between 12 and 14. The victim of the revenge rape is said to be 16 or 17. He said police had registered a complaint against 25 people, and that the suspect accused of raping the 12-year-old was still at large. While some reports say the group that ordered the rape was a jirga - or village council - BBC sources said it was actually formed by members of the two families. Jirgas, a kind of council formed of local elders, often settle disputes in rural Pakistan. However, they are illegal and have been condemned for a series of controversial rulings - including ordering so-called "honour killings" and past incidents of "revenge rape".<sup>818</sup>

---

<sup>815</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Violence against women* p.50

<sup>816</sup> Committee against Torture, [Concluding observations on the initial report of Pakistan](#), 1 June 2017 para. 30

<sup>817</sup> Asian Human Rights Commission, [Pakistan: Travesty of justice in the name of Jirga](#), 2 June 2017

<sup>818</sup> BBC News, Pakistan village council orders 'revenge rape' of girl, <http://www.bbc.co.uk/news/world-asia-india-40731035>, 26 July 2017



The UN Committee on Economic, Social and Cultural Rights (ECOSOC) stated in July 2017:

The Committee is concerned that, despite many efforts made by the State party, various forms of violence against women, including so-called honour killings, acid attacks and gang rapes, continue to occur. It is also concerned at the very low level of reporting of domestic violence and other forms of violence against women and the very small number of shelters for victims of such violence.<sup>819</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned that, despite efforts made by the State party, violence against women is still prevalent. It is particularly concerned that so-called honour killings continue to occur; that the qisas (equal retaliation) and diyat (financial compensation) laws are reportedly applied to some of these cases, and that some tribal councils in remote areas continue to exercise jurisdiction over these cases. It is also concerned that, despite the adoption of the anti-rape law, effective access to justice for victims of rape has reportedly not been enhanced as expected, as no mechanisms have been put in place to implement the special procedures for court hearings. It is further concerned by the very low level of reporting of violence against women, including domestic violence; the lack of prompt and effective investigation of such cases; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims (arts. 2, 3, 6, 7, 24 and 26).<sup>820</sup>

On 25 September 2017, Human Rights Watch stated:

On September 20, a man in Peshawar killed his two daughters because he thought they had boyfriends, and felt "ashamed" – the latest in a series of recent horrific acts of violence perpetrated in the name of "honor." "In a patriarchal culture like Pakistan's, where domestic violence is rampant, it is not unusual for men to murder female relatives to punish behavior they deem unacceptable. In most reported cases, the harshest punishments on grounds of "honor" come from male-dominated *jirgas*, tribal and village councils. There are no credible official figures on "honor" killings because they often go unreported or are passed off as suicide or natural deaths by family members. But as an indication, in the Khyber-Pakhtunkhwa province 94 women have been murdered by close family members in 2017. In August, Bahkt Jan, 15, and Ghani Rehman, 17, were killed with electric shocks by family members on the order of a tribal council in Karachi which ruled that the young couple decision to elope violated "honor." Also in August, a man in Lahore decapitated his wife for refusing to quit her job as a factory worker. In June, a tribal council in Khyber agency ordered the "honor" killing of Nagma, a 13-year-old girl who was accused of "running away" with men. She was subsequently rescued by security forces and released into the custody of relatives, who murdered her. In October 2016, following public protests after Qandeel Baloch, a Pakistani model, was killed by her brother, parliament passed an anti-honor killing law. The new law, which followed an Academy Award-winning documentary about her murder, included harsher punishments and partially closed a loophole allowing legal heirs to pardon perpetrators who are usually also a relative. The recent spate in "honor" killings demonstrates that harsher punishments do not automatically translate into justice for women. The authorities should ensure that police impartially investigate "honor" killings without bowing to political or other pressure from religious and local leaders, including *jirgas*. The government should also ensure women and girls have access to safe emergency shelter and other services, especially protection, when they report risks from their family."<sup>821</sup>

In a joint submission to the Universal Periodic Review in November 2017 a coalition of NGOs stated:

---

<sup>819</sup> UN Committee on Economic, Social and Cultural Rights (ECOSOC), [Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 59

<sup>820</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 13

<sup>821</sup> HRW – Human Rights Watch, [‘Honor’ Killings Continue in Pakistan Despite New Law](#), 25 September 2017

In some conservative rural and urban pockets of the country, the family's 'honour' is traditionally tied with the girls and women in the household. Privacy breaches have led to their murders in the name of 'save the family honour'. In Gilgit Baltistan's town of Chilas, a woman and her two minor daughters were murdered over an audio recording of the mother talking to a male friend. In Kohistan, four women and a minor girl were murdered after a video with a group of girls singing and clapping as two men performed a traditional dance in a wedding went public. A number of cases have been reported where women have been monitored and attacked with charges of blasphemy, anti-State activities or liberal expression by organized groups of online trolls. In these cases, propaganda via distribution of screenshots of their tweets or personal information to incite violence against them has been frequently reported.<sup>822</sup>

In November 2017, BBC news reported:

Villagers in a remote area of north-west Pakistan are in shock after armed men forced a 16-year-old girl to walk half-naked through the village, claiming it was to redeem their family honour. Local residents say the woman was targeted because of her brother's long-forgotten secret affair with a woman from the assailants' family. The incident, which came to light on Thursday when the media got wind of it, took place last week near the remote town of Chaudhwan, some 80km (50 miles) west of Dera Ismail Khan city in Khyber Pakhtunkhwa province. Police have arrested eight men and are searching for a ninth. Witnesses say the girl was attacked in broad daylight when she went to fetch water from a pond. [...] A local source who asked not to be named told the BBC the assailants' family had secretly held a grudge against the girl's family over an incident that happened three years ago. "[The girl's] brother was accused back then of gifting a mobile phone to one of the daughters of a local villager... which the pair used for their secret liaison." The revelation caused offence to this girl's family, and the community called for a council of elders to resolve the issue before it led to bloodshed. The council ordered the young man to pay a fine of 300,000 rupees (roughly \$3,000; £2,300) which he did - and the matter was closed. "But it now appears that [the girl's] family did not forget the insult and wanted to get even," the BBC's source said. As is often the case in so-called "honour" disputes in South Asia, the punishment for that insult has been borne by an innocent girl.<sup>823</sup>

In a joint submission to the Universal Periodic Review in November 2017 a coalition of NGOs stated:

In some conservative rural and urban pockets of the country, the family's 'honour' is traditionally tied with the girls and women in the household. Privacy breaches have led to their murders in the name of 'save the family honour'. In Gilgit Baltistan's town of Chilas, a woman and her two minor daughters were murdered over an audio recording of the mother talking to a male friend. In Kohistan, four women and a minor girl were murdered after a video with a group of girls singing and clapping as two men performed a traditional dance in a wedding went public. A number of cases have been reported where women have been monitored and attacked with charges of blasphemy, anti-State activities or liberal expression by organized groups of online trolls. In these cases, propaganda via distribution of screenshots of their tweets or personal information to incite violence against them has been frequently reported.<sup>824</sup>

In its November 2017 report Freedom House stated:

Intimidation and violence intensified significantly during the reporting period, when abductions and murders were documented in direct reprisal for digital activities, including an "honor" killing in which a social media personality was murdered by her brother. [...] In July 2016, Qandeel Baloch, a social media celebrity known for openly expressing her sexuality, was killed by her brother. Baloch had sought police

---

<sup>822</sup> Bytes for All, Pakistan; Media Matters for Democracy ;Ending Violence Against Women and Girls (EVAWG) Alliance; Association for Progressive Communications; Vision Pakistan; Neengar Society, Joint Submission for Pakistan's Review under the Third Cycle of UPR [Privacy Rights Under The Lens](#), paras 29 to 30 November 2017

<sup>823</sup> BBC News, [Girl, 16, paraded naked in Pakistan after 'honour' row](#), 3 November 2017

<sup>824</sup> Bytes for All, Pakistan; Media Matters for Democracy ;Ending Violence Against Women and Girls (EVAWG) Alliance; Association for Progressive Communications; Vision Pakistan; Neengar Society, Joint Submission for Pakistan's Review under the Third Cycle of UPR [Privacy Rights Under The Lens](#), November 2017

protection following threats when her real identity was published on the internet. Her brother acknowledged killing her because "she was doing videos on Facebook and dishonoring the family name." He was arrested, along with three other family members accused of carrying out or facilitating the murder, and pleaded not guilty; the cases were ongoing in late 2017. The accused were required to serve trial under new laws; families were previously allowed to forgive the assailants in honor killings to avoid prosecution.<sup>825</sup>

Amnesty International reported in February 2018 that:

Violence continued against women and girls, including killings by relatives committed in the name of so-called "honour". In Khyber Pakhtunkhwa northwest province, 94 women were murdered by close family members. In several cases, there was a failure to conduct investigations and hold the perpetrators accountable.

Parallel and informal justice systems continued to undermine the rule of law and to issue unjust "verdicts" that punished women and girls. In July, a village council in Multan district ordered and carried out the rape of a teenage girl in "revenge" for a crime allegedly committed by her brother. In August, the bodies of a teenage couple in Karachi were exhumed to reveal evidence of electric shocks. The couple had been sentenced to death by a *jirga* (tribal council). In September, a man in Peshawar city killed his two daughters because he suspected they had boyfriends.

The 2016 law, which brought the penalties for so-called "honour" crimes in line with murder, proved ineffective. The law, which provides for the death penalty, allows the judge to decide whether the crime was "honour-based". In some cases in 2017, the accused successfully claimed another motive and was pardoned by the victim's family under *qisas* and *diyat* laws, which allow for "blood money" and forgiveness instead of punishment.<sup>826</sup>

Radio Free Europe/ Radio Liberty stated in March 2018 that:

Pakistani police have arrested 12 people for allegedly ordering a man to rape a girl in revenge for the rape of his sister. A police officer in the eastern city of Pir Mahal, in Punjab Province, said the 12 people arrested included members of a village council, or *jirga*. Rehmat Ali said that following the rape of a girl, the family of the alleged rapist, Wasim Saeed, sought pardon from the girl's family.

qHe said both families agreed to settle their dispute with the so-called "revenge rape" of the suspected rapist's sister. The unlawful actions, called "wani" in Urdu, are still practiced in parts of rural Pakistan, where village councils often settle disputes. Village councils have been condemned for a series of controversial rulings in the past, including ordering so-called "honor" killings.<sup>827</sup>

#### 7.4.2. FGM/C

The Orchid Project noted in a report dated 17 November 2016 that "FGC is legal in both countries [India and Pakistan] and happens amongst the Dawoodi Bohra".<sup>828</sup>

The NGO Evidence to end FGM noted in a February 2017 report that FGM "has been reported to exist in countries where prevalence data are lacking, including Columbia, Iran, India, Malaysia, Oman, Pakistan, and in migrant communities throughout the world originating from countries where FGM/C is practiced".<sup>829</sup>

---

<sup>825</sup> Freedom House, [Freedom on the Net 2017 – Pakistan](#), 14 November 2017 Intimidation and Violence

<sup>826</sup> Amnesty International, [Annual report 2017/2018](#), February 2018

<sup>827</sup> Radio Free Europe/Radio Liberty, [Pakistani Police Arrest 12 Over 'Revenge Rape'](#), 26 March 2018

<sup>828</sup> Orchid Project, [Factsheet – FGC in the Middle East and Asia](#), 17 November 2016

<sup>829</sup> Evidence to end FGM, [The Medicalization of Female Genital Mutilation/Cutting: what do the data reveal?](#), February 2017, p1

The US State Department noted in its Pakistan Country Report covering events in 2017 that:

No national law addresses the practice of FGM/C. According to human rights groups and media reports, many Dawoodi Bohra Muslims practiced various forms of FGM/C. Some other isolated tribes and communities in rural Sindh and Balochistan also practiced FGM/C. Some Dawoodi Bohras spoke publicly and signed online petitions against the practice.<sup>830</sup>

In February 2017, an exploratory survey was carried out by the NGO Sahiyo. 100% of survey participants in Pakistan had the FGM procedure done at a private residence.<sup>831</sup> The report noted that:

The Dawoodi Bohras are a sub-sect of Ismaili Shia Islam, whose administrative headquarters are located in Mumbai, India. The majority of Dawoodi Bohras reside in India and Pakistan, but over the last few decades there has been a rapid and significant migration of Dawoodi Bohras to the Middle East, East Africa, Europe, North America, Australia, and other parts of Asia. Three hundred and eighty-five women, affiliated with the Dawoodi Bohra community, living in the above mentioned disparate geographic locations, participated in this study by filling out an online survey. Findings indicated that 80% of the survey respondents had undergone FGC, and that various rationales were given for the continuation of FGC, including for 1) Religious purposes (56%), 2) To decrease sexual arousal (45%), 3) To maintain traditions and customs (42%), and 4) Physical hygiene and cleanliness (27%).<sup>832</sup>

An NGO, Lawyers Collective, noted in a report published in May 2017 that:

FGM in India is practiced mainly in the Bohra community. It is commonly known that Muslims are divided into two sects: Sunnis and Shias. The Bohras belong to the Shia sect. They are found in many parts of India, notably in Gujarat, Rajasthan, Maharashtra and Madhya Pradesh. They also live in many other parts of the world – Pakistan [...].<sup>833</sup>

The Lawyers Collective's May 2017 report continued: "While the Quran does not sanction female circumcision / *khatna* / *khafz*, *Daimul Islam*, a religious text followed by Bohras, endorses the practice on girls after they reach the age of 7 for hygienic reasons".<sup>834</sup>

The UN Population Fund (UNFPA) noted in February 2018 that:

The practice can be found in communities around the world [...] Certain ethnic groups in Asian countries practice FGM, including in communities in India, Indonesia, Malaysia, Pakistan and Sri Lanka.<sup>835</sup>

### 7.4.3. Underage and forced marriage

#### Legislation

According to Section 2 of Pakistan's Child Marriage Restraint Act:

In this Act, unless there is anything repugnant in the subject or context,

---

<sup>830</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women

<sup>831</sup> Sahiyo, [Understanding Female Genital Cutting in the Dawoodi Bohra Community: An Exploratory Survey](#), February 2017, p38

<sup>832</sup> Sahiyo, [Understanding Female Genital Cutting in the Dawoodi Bohra Community: An Exploratory Survey](#), February 2017, p7

<sup>833</sup> 28 too many, [A Guide to Eliminating FGM](#), March 2017 Section II: Dynamics of the Bohra Community, p20

<sup>834</sup> 28 too many, [A Guide to Eliminating FGM](#), March 2017, Section II: Dynamics of the Bohra Community, p21

<sup>835</sup> UNFPA, [Female genital mutilation \(FGM\) frequently asked questions](#), February 2018

(a) "child" means a person who, if a male, is under eighteen years of age, and if a female, is under sixteen years of age.<sup>836</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC) produced a Shadow Report to the Committee against Torture in March 2017 and noted that:

The 1929 Child Marriage Restraint Act sets the age of marriage at 18 for males and 16 for females. Several efforts to increase the minimum age to marry to 18 years have been unsuccessful. In 2016, a Member of Parliament submitted a proposal to raise the legal minimum age to 18 and to introduce harsher punishments for those arranging child marriage. However, she withdrew the proposal because of pressure from the Council of Islamic Ideology that criticized the proposal as "anti-Islamic" and "blasphemous". Moreover, several efforts at the provincial level brought little change. Although the Sindh Child Marriages Restraint Act 2013 regulates that the marriageable age of girls and boys is at 18 years, it is not strictly implemented. An attempt to introduce a similar piece of legislation in Punjab has failed and a draft has been withdrawn because of the resistance from religious circles. In Punjab, the current draft amendment bill only proposes enhanced punishments for solemnising marriage of a boy under 18 and for a girl under 16. There's no proposal in Khyber Pakhtunkhwa and Balochistan to enhance marriageable age of girls to 18. The Federal government too is reluctant to move ahead on this question.<sup>837</sup>

The UN Population Fund (UNFPA) noted in December 2017 that:

In April 2014, the Sindh Assembly adopted the Sindh Child Marriage Restraint Act, which changed the minimum age to 18 for both girls and boys, punishable by law.

In February 2017, the Government of Pakistan in an effort to crack down on child marriage, made an amendment to the Penal Code, toughening penalties for those found guilty of the crime.<sup>838</sup>

Herald News reported on 18 January 2018 that:

Sindh was the first province to have a law against child marriages. The legislation, passed in 2013, made child marriage a cognisable offence, empowering the police to arrest those involved in it. The act also deemed child marriage a non-compoundable offence, barring the families involved to strike an out-of-court settlement.

Punjab passed its own law in 2015, retaining the age limits set by the 1961 ordinance. It empowers the police to stop a child marriage and register a case but does not give law enforcement agencies the power to make arrests on their own. Khyber Pakhtunkhwa and Balochistan, in the meanwhile, continue to be governed by the 1929 act that does not allow the police to even take note and register a case. None of these laws provide for the dissolution of a child marriage.

There have been a few attempts lately to have a uniform marriageable age for girls across Pakistan. Sehar Kamran, a Pakistan Peoples Party (PPP) senator, recently introduced a bill for the same purpose but her initiative was turned down by the Senate's Standing Committee on Interior, which rejected her bill by a majority vote. The committee's head, Senator Rehman Malik, who also represents the PPP, stated that the legislation proposed by Sehar "was contrary to Islamic injunctions".<sup>839</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) published a report in April 2017 and noted that:

---

<sup>836</sup> Pakistan, [Act No. XIX of 1929, Child Marriage Restraint Act](#), 1929

<sup>837</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, Section 9, *Violence against children*, p32

<sup>838</sup> UNFPA, [Child Marriage](#), 10 December 2017

<sup>839</sup> Herald, [How Pakistan is failing its child brides](#), 18 January 2018

The age of consent for marriage:

a. The minimum legal age of marriage for girls has not been effectively dealt with in any forum; it is different in every province and mostly lower than boy's age of consent. Currently, there is a great deal of confusion about the age of adulthood for girls specifically, as it varies in different existing laws in Pakistan. Under the Child Marriage Restraint Act 1929, the age of a female child is identified below the age of 16. The Hudood Ordinances 1979 identify female adulthood at the age of 16 or puberty. This latter age is used across different legislations due to the Islamic nature of the 1979 Ordinances. The age of puberty is also used as the age of adulthood for girls in numerous court cases, who declare marriages with female children valid due to the fact that they have reached puberty. This is in direct contravention of international standards and international conventions ratified by Pakistan.

b. Furthermore, there is little implementation of the Child Marriage Restraint Act 1929, punishing persons involved in child marriages, including the parents, the registrar and even the groom, if above the age of 18. Apart from the law not being implemented properly, it is also extremely outdated, with fines and punishment not being enough of a deterrent to offenders and potential offenders. The government seems unwilling to address this issue. It also seems unwilling to confront religious political parties on controversial issues regarding women and has often compromised on the subject of women's rights.<sup>840</sup>

Amnesty International noted in a report dated 15 April 2017 that:

The Child Marriage Restraint Act, 1929 discriminates between girls and boys by establishing the minimum age of marriage at 16 for girls and 18 for boys. In January 2016, the National Assembly withdrew a proposed amendment to the law, seeking to "raise the minimum age for girls to 18 years", after the Council of Islamic Ideology declared it "un-Islamic".<sup>841</sup>

ECPAT noted in a September 2017 report that:

Sharia law is highly influential in the country and allows girls to be legally married at age 16. The government has attempted to introduce more stringent punishment for perpetrators of *vani* and *swara*, tribal customary laws that use forced marriage of girls as compensation to settle family disputes. Child marriage is deeply entrenched in the traditional customs of Pakistan and tribal councils often overrule state courts in this respect, with marriage registration remaining widely unenforced. The dowry system persists as a common practice along with early marriage.<sup>842</sup>

The US State Department noted in the Pakistan Country Report on Human Rights Practices for 2016, that:

Although prohibited by law, the practice of buying and selling brides also continued in rural areas. Many tribes, communities, or families practiced sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "*vani*" or "*swara*"), the practice continued in Punjab and KP. In rural Sindh landowning families continued the practice of "marriage to the Quran," forcing a female family member to stay unmarried to avoid division of property. Property of women "married to the Quran" remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age. Families expected these women to stay in the home and not contact anyone outside their families. [...]

The 2011 Prevention of Anti-Women Practices Amendment Act criminalizes and punishes giving a woman in marriage to settle a civil or criminal dispute; [...] and compelling, arranging, or facilitating the

---

<sup>840</sup> International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p20-21

<sup>841</sup> Amnesty International, [Pakistan: Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session, 29 May – 23 June 2017](#), 15 April 2017, p8

<sup>842</sup> ECPAT International, [Regional Overview: Combating the sexual exploitation of children in South Asia. Evolving trends, existing responses and future priorities, September 2017](#), p90-91



marriage of a woman with the Quran, including forcing her to take an oath on the Quran to remain unmarried or not to claim her share of an inheritance.<sup>843</sup>

SPARC's 2016 annual report, published 3 May 2017 further sets out the federal and provincial legislation on child marriage.<sup>844</sup>

### Prevalence of child marriage

In its 2016 annual report published in December 2016, UNICEF (drawing on the Pakistan Demographic and Health Survey 2012-2013) noted that "6% of women aged 20-49 were married before age 15, and 32 per cent before eighteen years of age".<sup>845</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC) produced a Shadow Report to the Committee against Torture in March 2017 and noted that "Early marriage of, mostly, girls remains a serious concern. An estimated 21% of girls marry before they reach the age of 18 years".<sup>846</sup>

A Pakistani based NGO, Sahil, noted in a report dated 22 March 2017 that:

The fight against child sexual abuse [CSA] is showing an increase in registration of cases. The total number of CSA cases including abduction, missing children and child marriage in 2016, stand at a staggering 4139. This data brings the number of abused children to 11 per day. This figure also shows an increase of 10% from the previous year. [...] In 2016, 176 cases of child marriages were reported.<sup>847</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned that the minimum age for marriage is set differently for girls (16 years) and boys (18 years) in some provincial laws; that the practice of ghag, forced marriage and child marriage continues; and that a high number of victims of such practices have attempted or committed suicide (arts. 2 (2), 3, 6, 23 and 26).<sup>848</sup>

The UN Population Fund (UNFPA) noted in December 2017 that:

Deeply rooted in tradition, culture and customary practices, child marriage remains a widespread practice across Pakistan. Yet, it is a serious violation of girls' human rights. In Pakistan, one in three girls is married before reaching the age of 18 (Demographic and Health Survey 2012-13).<sup>849</sup>

Time reported in December 2017 that "Pakistan has one of the highest numbers of child brides in the world. Almost a quarter of girls marry before the age of 18, according to a recent poll by Gallup".<sup>850</sup>

---

<sup>843</sup> US State Department, [Country Reports on Human Rights Practices for 2016: Pakistan](#), 3 March 2017, Section 6

<sup>844</sup> SPARC, [The State of Pakistan's Children 2016](#), 3 May 2016, p51

<sup>845</sup> UNICEF, [Pakistan Annual Report 2016](#), p31, 15 December 2016

<sup>846</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, Section 9, Violence against children, p32

<sup>847</sup> Sahil, [Cruel Numbers 2016](#), 22 March 2017

<sup>848</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 41

<sup>849</sup> UNFPA, [Child Marriage](#), 10 December 2017

<sup>850</sup> Time, ['We Must Protect Our Girls.' Will Pakistan Finally Vote to End Child Marriage?](#), 8 December 2017

There are various news reports of children being forcibly married to older men<sup>851</sup> and where the police have intervened under the Child Marriages Restraint Act.<sup>852</sup> Children as young as 3<sup>853</sup> and 5<sup>854</sup> have been reported as being forcibly married off.

In some cases, underage boys have also been forced to marry. For example, the Express Tribune reported a case in December 2017 where a ten year old boy was forced to marry a 21 year old girl for property in Punjab.<sup>855</sup>

UNFPA also noted in February 2018 that some forced child marriages involve boys:

UNFPA has found that, in all 82 low- and middle-income countries for which there are data, the prevalence of child marriage is significantly lower for males than females. Only 1 in 25 boys (3.8 per cent) marry before they reach age 18, while marriage before age 15 is practically non-existent in boys (0.3 per cent). Only 10 countries have a child marriage prevalence for boys over 10 per cent – including [...] 14 per cent in Pakistan [...].<sup>856</sup>

The Pakistani NGO Sahil published a report on 25 March 2018 that compiled reports from 91 national and regional newspapers to document reported child abuse incidents in 2017. The report noted that:

In this year 2017, total 143 cases of child marriages have been reported in newspapers. Out of the total cases, 89% were girls and 11% were boys.

The provincial divide of child marriages indicates that, 63% cases from Sindh, 32% from Punjab, 5 cases from Khyber Pakhtunkhwa and 2 cases were reported from AJK. Out of the child marriages, 83% cases were reported from rural areas and 17% from urban areas.<sup>857</sup>

### Implementation of law

Pakistani NGO, SPARC, noted in its annual report published in April 2017 that:

Pakistan was among the first states to propose a target for ending child marriages by year 2030 in discussions of the Open Working Group on the SDGs. However, practical steps to curb the phenomenon are far from satisfactory. Not only are child marriages common in remote and rural areas of Pakistan but the prevalence of such marriages in slums of Islamabad is no hidden secret. [...]

The state of children belonging to minorities remained dismal throughout 2016, with no reduction in cases of violence against minorities in the country. Despite legislation from the Government of Sindh, forced marriages of underage girls, particularly the Hindu minority continue to be reported. Furthermore, the Sindh Hindu Marriage Act, 2016 itself is having a hard time surviving amidst pressure from right wing groups. Needless to say, there is a dire need for legislation protecting the rights of minorities across all provinces of Pakistan.<sup>858</sup>

---

<sup>851</sup> The Express Tribune, [Police foil 10-year-old girl's marriage](#), 10 December 2017; The Express Tribune, [Cops save 12-year-old from child marriage](#), 27 August 2017; The Express Tribune, [Too young to marry: Police thwart child marriage in Khanewal](#), 4 January 2017

<sup>852</sup> Dawn, [Police foil 13-year-old girl's marriage to 55-year-old man staged by her father](#), 17 February 2018; Dawn, [14-year-old Hindu girl married off to 55-year-old man recovered by Thar police](#), 10 March 2018; Dawn, [12-year-old's marriage to 55-year-old man prevented in Sukkur](#), 23 December 2017; Dawn, [Badin police foil marriage of minor girl with 40-year-old man](#), 12 November 2017

<sup>853</sup> Dawn, [Jirga marries off 3-year-old girl to settle family dispute in Neelum Valley](#), 13 March 2017

<sup>854</sup> Dawn, [Police arrest culprits after 5-year-old girl married to 22-year-old man near Shikarpur](#), 22 July 2017

<sup>855</sup> The Express Tribune, [21-year-old girl forced to marry underage boy for property in Punjab](#), 21 December 2017

<sup>856</sup> UNFPA, [Child marriage - Frequently Asked Questions](#), 2 February 2018

<sup>857</sup> Sahil, [Cruel Numbers 2017](#), 25 March 2018, *Report Highlights*, p2

<sup>858</sup> SPARC, [State of Pakistan's Children 2016-an overview](#), 28 April 2017

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in a April 2017 report that:

Although the legal age of consent for marriage is 16 to 18 years and polygamy is restricted – though still legally permissible – very few repercussions exist and both are still carried out under various guises of culture and religion. Practices like Vani, Dowry, Vatta Satta, Marriage to Quran, occurring primarily due to disputes over property or to regulate women's share, are perpetuated by women's own family members.<sup>859</sup>

Human Rights Watch noted in a report dated 12 October 2017 that:

Some provincial governments have legislated on this issue to try to improve matters, setting higher minimum ages for marriage and harsher penalties for those who arrange or conduct child marriages. But Sharia law is still preferred by the Pakistani courts.<sup>860</sup>

Dawn News reported in December 2017 that despite legislation in place, it is poorly implemented:

Lawyers' community and civil society activists [...] spoke at length on the launch of an extensive review and analysis of the Sindh Child Marriage Restraint Act 2013 in which they highlighted the pros and cons of the law, which they said if addressed, could cause huge positive impact on the society at large. They said that being the landmark legislation aimed at ending early marriages in Sindh, the law was still poorly implemented.

They added that lack of proper structures and sensitisation, poor resources and deficiency of serious efforts were contributing factors vis-à-vis poor progress of the act at grass-roots level. [...] They said the government mechanism to implement the law was weak, leaving it hard to deal with the cases relating to early marriages. [...]

They said child protection units (CPUs) played basic role in implementing the law, but in many districts they were missing; and in the districts where they had been established the districts had poor resources and weaker role in implementing the law.<sup>861</sup>

The US State Department report covering events in 2017 stated that:

Despite legal prohibitions, child marriages occurred. Federal law sets the legal age of marriage at 18 for men and 16 for women. The 2014 Sindh Child Marriage Restraint Act sets 18 as the legal age of marriage for both girls and boys in Sindh Province. A February amendment to the federal 1929 Child Marriage Restraint Act substantially increased punishment for violators of the law. Under the amendment, violators may be imprisoned for up to 10 years and no less than five years (up from imprisonment of up to one month), and may also be fined up to one million rupees (\$9,000), up from 1,000 rupees (nine dollars).

In 2014 the Council of Islamic Ideology declared child marriage laws to be un-Islamic and noted they were "unfair and there cannot be any legal age of marriage." The council stated that Islam does not prohibit underage marriage since it allows the consummation of marriage after both partners reach puberty. Decisions of the Council are nonbinding.

According to a 2017 nationally representative Gallup survey, 24.7 percent of women were married before the age of 18. In rural areas, poor parents sometimes sold their daughters into marriage, in some

---

<sup>859</sup> International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), p20 April 2017

<sup>860</sup> Human Rights Watch, [Pakistan Should End Child Marriage](#), 12 October 2017

<sup>861</sup> Dawn, [Poor implementation of law is the reason why child marriages still take place in Pakistan](#), 15 December 2017

cases to settle debts or disputes. Although forced marriage is a criminal offense and many cases were filed, prosecution remained limited..<sup>862</sup>

The Express Tribune reported in December 2017 that:

[...] this menace [child marriage] is prevalent across the province, despite the Sindh Child Marriage Restraint Act being passed by the Sindh Assembly in 2014.

Though the Act has declared marriage of people below the age of 18 punishable, no one takes it seriously. This has given rise to an alarming situation and the authorities concerned are disinclined to curb this social evil. [...]

Sindh Community Foundation (SCF) Executive Director Javed Hussain has conducted research on the shortcomings and challenges in the implementation of this law. Sharing the findings of his research, he said, "The major stakeholders responsible for implementing the law are either not cognizant or less aware about it."

He said nikkah registrars, who are responsible for ensuring that all solemnised marriages do not involve children, are by and large unaware of the law in Sindh. "The police, who comprise the central agency of criminal justice and are responsible for taking cognizance of child marriage offenses without court warrants, are not mobilised regarding the law," he said, adding that despite passing the law, the government does not take it seriously.<sup>863</sup>

Amnesty International noted in its annual report for 2017/2018 published in February 2018 that "Key legislation to protect women's rights failed to be passed and existing legislation was not enforced".<sup>864</sup>

#### Forced marriage of vulnerable and/or minority groups

The U.S. Commission on International Religious Freedom reported in its annual report covering 2016/2017 that "Forced conversions of non-Muslims continued despite the passage of the Hindu Marriage Act, which grants greater rights in family law for Hindu citizens [...] Forced conversion of women to Islam from various religious backgrounds continued in 2017".<sup>865</sup>

The UN Committee on the Elimination of Racial Discrimination noted in a report dated 3 October 2016 that "The Committee is deeply concerned at persistent reports of abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage".<sup>866</sup>

The annual religious freedom report by the U.S. Department of State covering 2016/2017 noted with regards to forced marriage that "Reports continued of attempts to coerce religious minorities to convert to Islam. Rights activists reported victims of forced marriage and conversion were pressured and threatened into saying publicly they had entered into the marriage of their own free will".<sup>867</sup>

On 17 March 2017, the Herald reported that "1,000 Christian and Hindu women forcibly converted to Islam and forcibly married in Pakistan each year".<sup>868</sup>

---

<sup>862</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women

<sup>863</sup> The Express Tribune, [‘Awareness is not enough’](#), 18 December 2017

<sup>864</sup> Amnesty International, [Pakistan 2017/2018](#), 22 February 2018

<sup>865</sup> U.S. Commission on International Religious Freedom, [TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN \(CPC\) – Pakistan](#), 26 April 2017, Key Findings & Conditions for Other Religious Minorities

<sup>866</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan](#), 3 October 2016, para 31

<sup>867</sup> U.S. Department of State, [PAKISTAN 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT](#), 15 August 2017, Section III. Status of Societal Respect for Religious Freedom, p. 16

<sup>868</sup> Herald, [Forced conversion, marriage and the endless cycle of misogyny](#), 17 March 2017

The UN Committee on Economic, Social and Cultural Rights stated in a report dated 20 July 2017 that “The Committee is concerned that the practices of forced conversion of non-Muslim women and forced marriage continue”.<sup>869</sup>

A summary of stakeholders’ submissions on Pakistan to the UN Human Rights Council in August 2017 reported that:

According to JS9 [Joint submission 9 submitted by: Unrepresented Nations and Peoples Organization and World Sindhi Congress], the incidence of forced conversion and marriage of non-Muslim girls had noticeably increased. CSW indicated that such incidents were prevalent in Sindh province. Hindu and Christian girls and women were systematically targeted by Muslim men, kidnapped, converted to Islam and married to the abductor or third party without their informed consent. [...]

Joint Submission 2 (JS2) [Joint submission 2 submitted by: ECPAT International and Pakistan Paediatric Association] indicated that the Sindh Assembly had adopted the Sindh Child Marriage Restraint Act, 2013, which increased the minimum age of marriage for girls to 18. However, JS13 indicated that the courts were failing to implement the Act, especially in cases concerning Hindu Dalit minors. The absence of birth registration among the Scheduled Caste Hindu community was a significant hurdle to the implementation of the Act.<sup>870</sup>

The UN Human Rights Council August 2017 report further noted evidence from the International Dalit Solidarity Network and Pakistan Dalit Solidarity Network that “The absence of birth registration among the Scheduled Caste Hindu community was a significant hurdle to the implementation of the Act”.<sup>871</sup>

The Australian Government’s Department of Foreign Affairs and Trade (DFAT) noted in a Pakistan Country Report, published 1 September 2017, that:

Multiple credible sources told DFAT that the biggest risk facing the Hindu community is the kidnapping of young teenage Hindu girls. Once taken, these girls are often married and forcibly converted to Islam.<sup>872</sup>

The same September 2017 DFAT report further noted that “Rape cases are often subject to traditional justice mechanisms, under which victims are often required to marry their attackers”.<sup>873</sup>

On 4 September 2017, the UN Human Rights Council noted that “The Committee on the Elimination of Racial Discrimination urged Pakistan to end the forced conversion and forced marriage of Christian and Hindu Dalit women”.<sup>874</sup>

In its 2018 World Report published in January 2018, Human Rights Watch reported that:

Women from religious minority communities were particularly vulnerable. A report by the Movement for Solidarity and Peace in Pakistan found that at least 1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year. The government failed to act to stop such forced marriages.<sup>875</sup>

---

<sup>869</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, para 57

<sup>870</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, para 51 and 71

<sup>871</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, para 71

<sup>872</sup> DFAT, [Country Information Report Pakistan](#), para 3.89, 1 September 2017

<sup>873</sup> DFAT, [Country Information Report Pakistan](#), 1 September 2017, para 3.127,

<sup>874</sup> UN Human Rights Council, [Compilation on Pakistan: Report of the Office of the United Nations High Commissioner for Human Rights](#), Twenty-eighth session, para 71, 4 September 2017

<sup>875</sup> Human Rights Watch, [World Report 2018: Pakistan](#), 18 January 2018

Radio Free Europe reported in March 2018 that “Most of Pakistan’s Hindus live in Sindh, where their vulnerable members often face forced conversions. In some cases, young Hindu girls are reportedly abducted, forced to convert to Islam, and then married off to Muslim men”.<sup>876</sup>

Impact of forced/underage marriage:

The UN Human Rights Committee noted on 23 August 2017 that:

The Committee is concerned that the minimum age for marriage is set differently for girls (16 years) and boys (18 years) in some provincial laws; that the practice of ghag, forced marriage and child marriage continues; and that a high number of victims of such practices have attempted or committed suicide (arts. 2 (2), 3, 6, 23 and 26).<sup>877</sup>

Human Rights Watch noted in a report dated 12 October 2017 that:

Child marriage tends to occur in the country’s most marginalized and vulnerable communities, and has devastating consequences. Children who marry find their childhoods cut short and their education abandoned, as girls take on housework and boys struggle to provide for families they are too young to have. Married children become parents too soon, and girls face serious health risks, including death, due to early pregnancy. Married girls are also at higher risk of domestic violence, including marital rape, than women who marry later.<sup>878</sup>

Time reported in December 2017 that:

Women who enter wedlock before the age of 18 have a higher risk of maternal or infant death or health complications: Eight percent of Pakistani women aged 20 to 24 delivered a baby before the age of 18, and every 20 minutes, a Pakistani woman dies from childbirth or complications in pregnancy. [...] In Pakistan, 64 infants die per 1,000 births — the highest rate of infant mortality in Asia, and worse than war-ravaged Afghanistan or Yemen, according to figures from the World Bank. The high maternal and infant death rates in Pakistan have a close link to early pregnancy and marriage, says Sadia Hussain, the executive director of the Society for the Protection of the Rights of the Child. For child brides, the risk of domestic violence, early pregnancy, and marital rape increases significantly, while many drop out of school and have little employment opportunities, according to UNICEF.<sup>879</sup>

The Express Tribune reported on 18 December 2017 that:

Iqbal Detho, a child rights activist, said that in South Asian countries, especially Pakistan, India and Bangladesh, the leading cause of death for young girls between the ages of 15 and 18 is early pregnancy. “Child brides extremely are at risk for fistulas and anal ruptures,” he said, adding that they give birth to weaker and sicker babies and lose their lives in the process.<sup>880</sup>

The UN Population Fund (UNFPA) noted in December 2017 that:

Child marriage robs girls of their childhood and future prospects. Girls who marry are less likely to finish school and are at higher risk of domestic violence, abuse and health issues. Young girls aged 15-19 have had the highest reported cases of domestic violence in the last 12 months (24.3%). Child marriage also

---

<sup>876</sup> Radio Free Europe, [Pakistan’s First Hindu Senator Aims High](#), 10 March 2018

<sup>877</sup> UN Human Rights Committee, [Concluding Observations on the initial report of Pakistan](#), 23 August 2017, para 41&42

<sup>878</sup> Human Rights Watch, [Pakistan Should End Child Marriage](#), 12 October 2017

<sup>879</sup> Time, [‘We Must Protect Our Girls.’ Will Pakistan Finally Vote to End Child Marriage?](#), 8 December 2017

<sup>880</sup> The Express Tribune, [‘Awareness is not enough’](#), 18 December 2017



subjects girls to at-risk pregnancies, fistula, sexually transmitted infections or even death. Teen girls are also more likely to die from complications during childbirth than women in their 20s. Marrying at an early age also reduces a girl's autonomy. One in ten young women aged 15-19 have a say in their own health care, in making major household purchases and visiting their own family or relatives.<sup>881</sup>

Herald News reported on 18 January 2018 that:

Those who 'purchase' child-brides treat them as sex slaves and indentured servants.

[...] Karachi-based gynaecologist Dr Shershah Syed, who has also served as general secretary of the Pakistan Medical Association, states that underage marriages are a major reason why young girls develop obstetric fistula. "This condition is most common in underage, malnourished and physically weak girls and it develops when they undergo longer than normal labour pains, he explains. The prolonged pressure on their pelvic bones causes their skin tissues to die, creating holes between either their rectums and vaginas or their bladders and vaginas, resulting in the perpetual and abnormal leakage of stool and urine, he says.

Birth-related complications sometimes also lead to death. According to the Family Planning Association of Pakistan, one Pakistani woman dies during childbirth every 20 minutes. Our country's maternal mortality ratio – 276 per 100,000 pregnant women – is among the highest in the world. And a major reason for this, according to family planning experts, is underage marriages.<sup>882</sup>

UNICEF noted in a March 2018 report that:

Child marriage is widespread and can lead to a lifetime of disadvantage and deprivation. [...] Evidence shows that girls who marry early often abandon formal education and become pregnant. [...] Child brides are at risk of violence, abuse and exploitation (UNICEF, *State of the World's Children*, 2009). Finally, child marriage often results in separation from family and friends and lack of freedom to participate in community activities, which can all have major consequences on girls' mental and physical well-being.<sup>883</sup>

## 7.5 Trafficking of women

US State Department stated in its Human Rights Report covering events in 2017 that:

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.<sup>884</sup>

In June 2017, the UN Committee against Torture stated in its Concluding Observations:

The Committee is concerned that, despite the efforts made by the Government, consistent reports refer to high levels of trafficking in persons for sexual exploitation and forced or bonded labour [...].<sup>885</sup>

In June 2017 the United Nations Department of State reported in its Trafficking in Persons Country Narrative on Pakistan that "Pakistan is a source, transit, and destination country for men, women, and

---

<sup>881</sup> UNFPA, [Child Marriage](#), 10 December 2017

<sup>882</sup> Herald, [How Pakistan is failing its child brides](#), 18 January 2018

<sup>883</sup> UNICEF, [Child Marriage](#), 5 March 2018

<sup>884</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women*

<sup>885</sup> Committee against Torture, [Concluding observations on the initial report of Pakistan](#), 1 June 2017 para. 32

children subjected to forced labor and sex trafficking. [...] Trafficking experts describe a structured system for exploiting women, girls, and LGBTI individuals in sex trafficking, including offering victims for sale in physical markets. Observers report 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”.<sup>886</sup>

With regards to the prosecution of traffickers the same source detailed that:

The government demonstrated mixed law enforcement efforts against trafficking. Law enforcement efforts against sex trafficking increased and the provinces of Sindh, Balochistan, and the Islamabad Capital Territory reported data for the first time. However, law enforcement efforts against labor trafficking remained inadequate compared to the scale of the problem. The law does not criminalize all forms of trafficking. Section 369A of the Pakistan Penal Code (PPC), amended in March 2016, prohibits transnational and internal forced labor and transnational and internal sex trafficking of women and children; however, Section 369A does not define the prostitution of children younger than age 18 as an act of human trafficking in the absence of coercive means, the standard of the 2000 UN TIP Protocol. Section 369A prescribes penalties ranging from five to seven years imprisonment, or a fine between 500,000 and 700,000 Pakistani rupees (PKR) (\$4,790 and \$6,710), or both. These penalties are sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Several other sections of the PPC 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 sex and labor trafficking offenses, as well as some non-trafficking crimes such as human smuggling and fraudulent adoption are criminalized in 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.<sup>887</sup>

The report also stated:

The government reported investigating 98 alleged traffickers, prosecuting 60, and convicting 25 under PACHTO in 2016, compared with investigating 158 alleged traffickers, prosecuting 59, and convicting 13 in 2015. Despite efforts to formalize differentiation in policies, some law enforcement officials continued to conflate human trafficking and migrant smuggling and may have reported statistics conflating the two crimes, as PACHTO criminalizes both trafficking and smuggling. The government also reported data on trafficking investigations, prosecutions, and convictions under the penal code by province and, for the first time, Sindh, Balochistan, and the Islamabad Capital Territory (ICT) reported data. Overall, the government reported an increase in sex trafficking investigations, prosecutions, and convictions. Punjab reported the investigation of 1,241 sex trafficking cases in 2016, compared with 1,291 cases in 2015. Punjab initiated prosecutions of 1,779 alleged sex traffickers in 2016 and reported 119 convictions, compared with 40 convictions in 2015. Khyber Pakhtunkhwa reported the investigation of 55 sex trafficking cases in 2016, an increase compared with 27 cases in 2015, and the prosecution of 263 alleged sex traffickers in 2016. Khyber Pakhtunkhwa did not convict any traffickers in 2016 the same result as in 2015. Sindh, notably providing data for the first time, reported the investigation of 35 sex trafficking cases, prosecution of 164 alleged sex traffickers, and zero convictions in 2016. Balochistan, also notably providing data for the first time, reported the investigation of six sex trafficking cases, prosecution of 16 alleged sex traffickers, and zero convictions in 2016. The ICT, also providing data for the first time, reported the investigation of 22 sex trafficking cases, prosecution of 108 alleged traffickers, and zero convictions in 2016. Both the semi-autonomous territories of Azad Jammu and Kashmir and Gilgit-Baltistan reported an increase from zero sex trafficking investigations, prosecutions, and convictions in 2015. Azad Jammu and Kashmir reported investigation of 12 sex trafficking cases, prosecution of 19 alleged traffickers, and zero convictions. Gilgit-Baltistan reported

---

<sup>886</sup> United States Department of State, [2017 Trafficking in Persons Country Narrative – Pakistan](#), 27 June 2017

<sup>887</sup> United States Department of State, [2017 Trafficking in Persons Country Narrative – Pakistan](#), 27 June 2017

investigation of three sex trafficking cases, prosecution of four alleged sex traffickers, and conviction of one trafficker in 2016.<sup>888</sup>

With regards to the protection of trafficking victims the same source recorded that:

The government demonstrated mixed efforts to protect and assist victims. While Punjab opened its first wholly integrated women's shelter and Sindh increased its budget for women's shelters, provincial governments reported a sharp decrease in victims identified and continued to only refer a small number of victims to rehabilitative services, which remained inadequate and inconsistent. The government reported its use of SOPs for the identification of trafficking victims at airports and border crossings; however, it is unknown if provincial officials have and use SOPs for identification efforts and referral of victims to protection services. FIA's anti-trafficking units reported identifying 131 Pakistani victims and no foreign victims in 2016, compared with 104 Pakistani victims in 2015. Provincial police reported identifying 4,518 victims, including 2,134 women, 2,184 men, and 200 children, a decrease compared with 15,153 victims identified in 2015. The government did not report which form of trafficking the victims were subjected to or the identification of victims by province. In part due to nonexistent SOPs or lack of dissemination and training on SOPs, authorities may have charged sex trafficking victims with moral crimes and detained and charged undocumented foreign nationals for immigration violations. Media and NGOs accused some law enforcement of being ignorant of trafficking indicators and allowing false charges against bonded laborers to be brought by brick kiln or landowners.

FIA reported it referred the 131 Pakistani victims it identified to NGOs for shelter and rehabilitation services; however, the government reported the provincial police referred to rehabilitative care only 220 of the 4,518 victims they identified. Civil society continued to provide most victim services, without provision of government support. Government-run "women's shelters" were available to women in a range of difficult circumstances, including trafficking victims. Punjab reported all 36 district women's shelters in the province were operational and assisted 49 women and 30 child trafficking victims during 2016. Sindh province operated five women's shelters in its 29 districts and reported its budget for these shelters increased from 48.4 million PKR (\$464,240) in the 2015-2016 fiscal year to 65.7 million PKR (\$629,660) in 2016-2017. Khyber Pakhtunkhwa reported four of its 26 districts had women's shelters and Balochistan reported it operated one women's shelter. NGOs noted some of these facilities operated under prison-like conditions and, in the recent past, traffickers forced some of the women in shelters into prostitution. In March 2017, Punjab opened the first wholly integrated shelter for female victims of violence. In addition to housing, the shelter provided medical and psychological support and facilities for law enforcement, judicial officials, and a courtroom. Observers stated there were only a few shelters in all of Pakistan designated for trafficking victims, which were ill-equipped to deal with victims' social, economic, and psychological needs.<sup>889</sup>

The Asian Human Rights Commission (AHRC) reported in July 2017 that:

The Asian Human Rights Commission (AHRC) has received updated information regarding the gang rape of a young woman. The rape was recorded and she was blackmailed into marriage. The perpetrators have links to a trafficking gang operating under the patronage of the Gujrat city administration and police. The modus operandi of the gang is to rape poor young women and marry them in court, so they cannot go home and agree to remain partners in the crime. Many have committed suicide. [...]

Women in Pakistan are most vulnerable to trafficking due to poverty, gender discrimination, lack of education, and ignorance of legal rights. Women and girls are trapped in a structured system, exploited for prostitution, and offered for sale in physical markets. Reports indicate that police accept bribes to ignore prostitution and sex trafficking. Women and girls are also sold into forced marriages; in some cases, their "new husbands" prostitute them in Iran or Afghanistan. In other cases, girls are used as chattel to settle debts or disputes.

Gujrat district is also mentioned in Pakistan Federal Investigation Agency (FIA)'S red book, which states that the majority of the human traffickers belong to Punjab province, particularly from Gujrat and

---

<sup>888</sup> United States Department of State, [2017 Trafficking in Persons Country Narrative – Pakistan](#), 27 June 2017

<sup>889</sup> United States Department of State, [2017 Trafficking in Persons Country Narrative – Pakistan](#), Protection, 27 June 2017

Gujranwala cities, while the rest are from Sialkot, Rawalpindi, Mandi Bahauddin, Sialkot and Pakistani Azad Jammu and Kashmir. The most common routes used by traffickers include Gulistan, Chaman, Rabat, Nushki, Chagai, Mand Ballu, Panjgur, Taftan and Turbat, Balochistan province. Despite it being a sensitive and critical issue, the absence of any standardized methodology for collecting and analysing data hampers efforts to get reliable information on human trafficking.<sup>890</sup>

## 7.6 Bonded/forced labour

For information on bonded and forced labour of girls, see section [8.5. Trafficking of children / child labour / sale of children / debt bondage](#)

The Express Tribune reported in November 2016 that:

Human smugglers promise unsuspecting parents that their children would get decent and lucrative jobs in Europe – but instead the children are subjected to forced labour in domestic servitude. “Women and children from Punjab, particularly from Gujrat, Gujranwala, Mandi Bahauddin, Dera Ghazi Khan, Multan and Sialkot are an easy target for human traffickers.” Initially, it was suspected that women are smuggled for prostitution, but investigators have not found any conclusive proof. “None of the women deported thus far has complained about prostitution or forced sex,” according to Khan. However, another FIA official said the possibility could not be ruled out. “The smuggled women and children are at the mercy of their ‘employers’, they might force them into sex slavery,” the official told *The Express Tribune* off-the-record.<sup>891</sup>

In June 2017, the UN Committee against Torture stated in its Concluding Observation that it was “concerned that, despite the efforts made by the Government, consistent reports refer to high levels of trafficking in persons for sexual exploitation and forced or bonded labour”.<sup>892</sup>

Also reporting generally with regards to the practice, the 2017 Human Rights Commission of Pakistan report noted that:

The Global Slavery Index 2016 estimated the number of modern slavery victims in Pakistan as 2.134m (1.13pc of the total population). In terms of absolute numbers, Pakistan ranked 3rd (out of 167 countries) in this index after India (18.354m) and China (3.388m). Using the above referred percentage of 1.13pc with the new population estimates of Census 2017 (207m), the potential number of victims rises to 2.34m in Pakistan.

Modern slavery has many manifestations in Pakistan: forced labour including labour trafficking, sex trafficking including child sex trafficking, bonded labour and debt bondage, domestic servitude (in the form of domestic work), and forced child labour (including begging). Throughout the country adults and children are forced into labour, their freedom of movement restricted, and their right to negotiate terms of their employment denied. They are coerced into servitude by their employers and even their families”.<sup>893</sup>

Similarly, the US Department of State annual report on Pakistan covering 2017 stated:

---

<sup>890</sup> Asian Human Rights Commission, [Pakistan: Young woman gang raped and blackmailed into marriage by traffickers](#), 20 July 2017

<sup>891</sup> The Express Tribune, Women, [Children being Trafficked from Pakistan, Forced into Begging in Europe](#), 9 November 2016

<sup>892</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan](#), 15 April 2017, para 32

<sup>893</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Modern Slavery* p. 79

The use of forced and bonded labor was widespread and common in several industries across the country. NGOs estimated that 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 reportedly present in the agricultural sector, including the cotton, sugarcane, and wheat industries, and in the brick, coal, 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.<sup>894</sup>

In June 2017 the United Nations Department of State reported in its Trafficking in Persons Country Narrative on Pakistan that "Bonded labor is concentrated in Sindh and Punjab provinces, but also occurs in Balochistan and Khyber Pakhtunkhwa provinces, in agriculture and brick-making and, to a lesser extent, in fisheries, mining, and handicraft-and carpet-making. Some feudal landlords and brick kiln owners affiliated with political parties use their influence to protect their involvement in bonded labor".<sup>895</sup> The same source further documented with regards to the protection and prosecution of bonded labour that:

The province of Sindh adopted a law prohibiting bonded labor and both the Sindh and Punjab provincial governments passed legislation criminalizing child sex trafficking and forced labor with sufficiently stringent sentences. [...]

Despite bonded labor being Pakistan's largest trafficking problem, only the government of Punjab reported convictions for bonded labor and the total number was low 10 convictions in 2016 compared with seven in 2015. Official complicity in trafficking crimes remained a serious problem, yet the government reported no prosecutions or convictions of complicit officials. Government protection efforts were weak. Provincial governments' identification of victims decreased sharply and only a small number of the total victims identified were referred to rehabilitation services, which remained inadequate and inconsistent. [...]

The government's law enforcement action on labor trafficking remained inadequate for the scale of forced and bonded labor in Pakistan. Overall, provincial governments reported the investigation of 11 forced labor cases in 2016, compared with five in 2015. The governments prosecuted five forced labor cases in 2016, involving 21 alleged traffickers, compared with prosecution of four cases in 2015. The governments reported zero convictions for forced labor in 2016, compared with one forced labor conviction in 2015. Punjab was the only province to report legal action on bonded labor in 2016. Punjabi authorities reported investigating 16 cases, prosecuting 12 traffickers, and securing convictions of 10 traffickers for bonded labor under the BLSA, compared with 15 case investigations and prosecutions and seven convictions during the previous reporting period. The government did not report sentences for any of the convictions. [...]

Some feudal landlords and brick kiln owners were affiliated with political parties or held official positions and reportedly used their influence to protect their involvement in bonded labor. In some cases, when bonded laborers attempted to escape or seek legal redress, police returned them to their traffickers, who have been reported to hold laborers and their families in private jails. NGOs reported some perpetrators of bonded labor successfully filed false charges against bonded labor victims leading to their arrest and imprisonment. In May 2016, media reported a Punjab police officer was investigated for registering a false case against a bonded laborer and was later terminated. Some police reportedly acted against trafficking only when pressured by media and activists and other reports indicated police accepted bribes to ignore prostitution crimes, some of which may have included sex trafficking. In November 2016, Members of the Gilgit-Baltistan Legislative Assembly and senior officials from Gilgit-Baltistan were accused in media reports of involvement in a child sex trafficking ring; the investigation was ongoing at the end of the reporting period. In January 2017, an Islamabad High Court judge was

---

<sup>894</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 7. b Prohibition of Forced or Compulsory Labor

<sup>895</sup> United States Department of State, [2017 Trafficking in Persons Country Narrative – Pakistan](#), 27 June 2017

suspended and referred to a lower court for prosecution for the alleged torture and domestic servitude of a 10-year-old girl; at the end of the reporting period the investigation remained ongoing.[...]

In October 2016, the Sindh labor department ordered each of its 29 districts to establish bonded labor district vigilance committees (DVCs) to ensure the implementation of the BLSA and required the committees to send monthly reports to the labor department. During the reporting period, two districts established DVCs and held meetings. Punjab labor department reported its continued funding and implementation of programs for vulnerable workers and the elimination of bonded labor in brick kilns, both of which support bonded labor DVCs; during 2016 Punjab reported 202 DVC meetings were held. It is unknown if DVCs set up under the Khyber Pakhtunkhwa BLSA were operational during the reporting period. Punjab and Khyber Pakhtunkhwa provided free legal aid to bonded laborers who requested help. Bonded laborers who were released but lacked identity documents were unable to access government services, including healthcare and food stipends, and sometimes returned to brick kilns or farms and assumed more debt. NGO-run shelters were available to bonded laborers, including entire families. The government reported it provided protection to victims to encourage their cooperation in investigations; however, it did not report how many it provided such protection in 2016 and 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. The Ministry of Interior could grant extensions for foreign victims to stay in the country until a decision was reached on the victims' repatriation by the Federal Review Board of the Supreme Court; however, it is unclear if this policy allowed legal alternatives to removal to countries in which victims would face retribution or hardship. [...]

In December 2016, the government amended its national strategic framework against trafficking in persons and human smuggling to extend through 2020 and assign timelines to the activities. [...] The FIA reported provincial governments increased resources allocated for development-related labor programs, some of which were specific to the prevention of bonded labor, though at least a portion of those resources may have been previously allocated to be distributed over multiple years. Khyber Pakhtunkhwa funded and implemented a program to prevent child and bonded labor.[...] Punjab prosecuted 3,989 brick kiln owners for lack of compliance with labor laws, including non-payment and illegal deductions from wages, and imposed fines totaling 5.1 million PKR (\$49,060). [...] The provincial governments of Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh funded and implemented multi-year programs focused on combating the worst forms of child labor and other labor abuses. Sindh partnered with an international organization to increase birth registration in rural areas, and Punjab continued to implement a birth registration program for brick kiln workers. The Punjab Department of Labor continued to provide brick kiln workers interest-free loans. In January 2017, the Lahore High Court directed the Punjab government to create a domestic worker policy. FIA's research and analysis center published quarterly newsletters with statistics and information on the government's efforts to combat trafficking and smuggling.<sup>896</sup>

The United States Commission on International Religious Freedom (USCIRF) stated in its 2017 Annual report that:

“Forced conversion of Hindu and Christian girls and young women into Islam and marriage, often through bonded labor, remains a systemic problem. In 2014, Pakistan-based NGOs, including the Aurat Foundation and the Movement for Solidarity and Peace in Pakistan, reported that more than 1,000 girls, many under the age of 18, are forcibly married and converted to Islam each year.<sup>897</sup>

Amnesty International noted in its annual report for Pakistan 2017/2018, published 22 February 2018, (although not specifically mentioning the situation for women) that:

The government failed to take action against those who held people in bonded labour in rural areas. The 1992 Bonded Labour Abolition Act was still not adequately enforced; reasons included a lack of

---

<sup>896</sup> United States Department of State, [2017 Trafficking in Persons Country Narrative – Pakistan](#), 27 June 2017

<sup>897</sup> United States Commission on International Religious Freedom USCIRF Annual Report 2017 [Countries of Particular Concern \(CPC\) – Pakistan](#), 26 April 2017, Forced Conversions and Marriage



clarity regarding the law on the part of lower court judges and lack of action by police when complaints were filed.<sup>898</sup>

The Hindustan Times reported in December 2017:

The girl called Jeevti was just 14 when she taken from her family in the night to be married off to a man who says her family owed him \$1,000. Her mother, Ameri Kashi Kohli, is sure that her daughter paid the price for a never-ending debt. Ameri says she and her husband borrowed roughly \$500 when they first began to work on the land, but she throws up her hands and says the debt was repaid. It's a familiar story in southern Pakistan: Small loans balloon into impossible debts, bills multiply, payments are never deducted. In this world, women such as Ameri and her young daughter are treated as property: taken as payment for a debt, to settle disputes, or as revenge if a landowner wants to punish his worker. Sometimes parents, burdened by an unforgiving debt, even offer their daughters as payment. The women are like trophies to the men. They choose the prettiest, the young and pliable. Sometimes they take them as second wives to look after their homes. Sometimes they use them as prostitutes to earn money. Sometimes they take them simply because they can.[...]

More than 2 million Pakistanis live as "modern slaves," according to the 2016 Global Slavery Index, which ranks Pakistan in the top three offending countries that still enslave people, some as farm workers, others at brick kilns or as household staff. Sometimes the workers are beaten or chained to keep them from fleeing. "They have no rights, and their women and girls are the most vulnerable," says Ghulam Hayder, whose Green Rural Development Organization works to free Pakistan's bonded labourers. An estimated 1,000 young Christian and Hindu girls, most of them underage and impoverished, are taken from their homes each year, converted to Islam and married, said a report by the South Asia Partnership organisation. Hayder says, "They always take the pretty ones." [...]

Kohli, who isn't related to the family, was born a slave. Since fleeing bondage in 1999, she has devoted herself to challenging Pakistan's powerful landowners, liberating thousands of families from bonded labor. Kohli's defiance incenses many men in a country dominated by a centuries-old patriarchal culture. "I know that they would like to kill me, but I will never stop fighting to free these people," she says. [...] Hindu activists say the girls are kept isolated until they have been forced to convert and are married - and then it's almost too late to do anything.<sup>899</sup>

## 7.7 Political participation and engagement in public roles

In its report covering events in 2017 the US State Department stated:

While no laws prevent women from voting, cultural and traditional barriers in tribal and rural areas impeded some women from voting. 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 for women in provincial assemblies and one-third of the seats in local councils. 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.

The comprehensive Elections Act 2017, which was passed on October 2 and replaced eight older laws, stipulates special measures to enhance electoral participation of women, religious minorities, transgender persons, and persons with disabilities. Under the new law, women must constitute 5 percent of party tickets, and if less than 10 percent of women vote in any constituency, it will be

---

<sup>898</sup> Amnesty International, [Pakistan 2017/2018](#), 22 February 2018

<sup>899</sup> The Hindustan Times, [Modern Slaves: In South Pak, Hindu Girls are Snatched away for Debt Payment](#), 23 December 2017

presumed that the women's vote was suppressed and the results for that constituency or polling station may be nullified..<sup>900</sup>

In February 2017, the Asian Human Rights Committee stated:

Promulgation and enactment of women-friendly laws is fruitless unless women are given decision-making and empowering positions in the work force. According to the commission's report, Pakistan was one of the few countries in the world that did not have a woman as a federal minister; there are only two female state ministers at the federal level. The provinces of Punjab, Sindh and Khyber Pakhtunkhwa, had only one woman minister in their cabinet, while Balochistan has no women in their cabinet.<sup>901</sup>

In March 2017 Human Rights Watch stated:

Women have been denied the right to vote in various parts of the country. In May 2015, 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.<sup>902</sup>

In a joint submission to the UN Universal Periodic Review Working Group of March 2017, Asian Legal Resource Centre and other NGOs stated:

Pakistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996, but it has not adopted any legal framework for translating its provisions to domestic laws. For instance, while CEDAW requires that 33% of seats in parliament be held by women, the proportion in Pakistan was only 21% in 2014, according to the World Bank.<sup>903</sup>

Freedom House reported in May 2017 that:

Members of the NA [National Assembly] are elected for five years. Of the 342 seats, 272 are filled through direct elections in single-member districts, 60 are reserved for women [...]. The reserved seats are filled through a proportional representation system with closed party lists. The seats for women are allocated in proportion to the number of general seats a party gains in each of the provinces. The provincial assemblies employ a similar electoral system.<sup>904</sup>

The same report noted that "[W]omen 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".<sup>905</sup>

In June 2017 Radio Free Europe/ Radio Liberty stated:

A prominent women's rights advocate in a conservative northern Pakistani region says unidentified attackers have fired two bullets at her house. Tabassum Adnan told RFE/RL that the attack took place

---

<sup>900</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 6. Discrimination, Societal Abuses, and Trafficking in Persons Women*

<sup>901</sup> Asian Human Rights Committee, [Pakistan: Honour killings continue in spite of several laws](#), 14 February 2017

<sup>902</sup> Human Rights Watch – [statement to Universal Periodic Review](#) – Pakistan, page 5, March 2017

<sup>903</sup> Asian Legal Resource Centre, the Unrepresented Nations and Peoples Organization (UNPO), Women In Struggle for Empowerment (WISE), The World Sindhi Congress (WSC), [Joint submission to UPR](#), 30 March 2017 para. 64

<sup>904</sup> Freedom House, [Freedom in the World 2017 – Pakistan](#), 19 May 2017

<sup>905</sup> Freedom House, [Freedom in the World 2017 – Pakistan](#), 19 May 2017

in the Swat district at around 12.45 a.m. on June 30, adding that she was unhurt. "I received threats before this, including via text messages," she said. "But I never expected that someone would attack me." Swat, located in the Khyber Pakhtunkhwa Province, once was a stronghold of the Pakistani Taliban extremist group. Adnan has established an NGO -- Khwendo Jirga, or Sister's Council -- to address issues that local women are facing, including honor killings, acid attacks, and other forms of violence.<sup>906</sup>

In May 2017 the Aurat Foundation concluded after a workshop with participants examining concepts of democracy and leadership:

Discriminatory social mindset is the biggest hurdle in the way of women political participation which restricts their growth as true political leaders.[...] One of the participants was quoted as saying "We can hardly find any women without family background of politics at higher level in the political parties."<sup>907</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned that, despite some progress having been made in some sectors, the overall representation of women in decision-making positions remains low (art. 3).<sup>908</sup>

In July 2017 Dawn.com reported:

Pakistan has made a breakthrough on gender diversity on its corporate boards. The Companies Act 2017, passed by the country's parliament on May 24, requires public interest companies to have such representation of women directors as specified by the Securities and Exchange Commission of Pakistan (SECP). For listed companies, the regulator had previously specified, through the revised Code of Corporate Governance, that within three years, the board of such companies shall have at least one woman director. There was a need for this intervention. As many as 69 out of 100 companies included in the widely followed KSE-100 Index of Pakistan Stock Exchange (PSX) have no woman director. These include 16 out of the 20 largest listed companies in terms of free-float market capitalization. Overall, the proportion of women directors on the boards of listed companies is only 6.4 per cent. It is far below the 17.2pc representation of women in the country's parliament and their 15.8pc labour force participation rate. It is also much lower than the proportion of women.<sup>909</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

While noting the adoption of quotas for women and minority persons in the national and provincial parliaments and in public services and quotas for persons with disabilities in public services, the Committee is concerned that the minority quota is applied only to religious minorities, and regrets the absence of sufficient information on the implementation of these quotas. It is also concerned by the removal of Ahmadis from the general electoral list and their registration on a separate voting list, the low level of exercise of the right to vote by women and remaining obstacles to effective access to voting for persons with disabilities and persons belonging to minorities, including gypsies (arts. 2, 25, 26 and 27).<sup>910</sup>

---

<sup>906</sup> Radio Free Europe/ Radio Liberty, [Bullets Shot At Women's Rights Activist Home In Northern Pakistan](#), 30 June 2017

<sup>907</sup> Aurat Foundation [A Discriminatory social mindset biggest hurdle in way of women's political participation](#) 25-29 May 2017

<sup>908</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 35

<sup>909</sup> Dawn News, [Women directors in Pakistan to more than double in three years](#), 3 July 2017

<sup>910</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 47

In December 2017 Dawn.com reported:

The Election Commission of Pakistan (ECP) [...] launched a project aimed at bridging the gap of over 12 million between male and female registered voters in the country. According to the electoral rolls of September 2017, of the 97.02m citizens registered as voters, 54.60m are men (56.27 per cent) and 42.42m are women (43.73pc). The gap between male and female voters has now gone up to 12.17m from 10.97m in March 2013. Speaking at the launch of the campaign to be run in collaboration with the National Database and Registration Authority (Nadra), Chief Election Commissioner retired Justice Sardar Mohammad Raza said [...]women made up almost half of the country's population but their participation in the electoral process, specifically as voters, was low. "The underlying cause is the absence of national identity card (NIC) owing to different socio-cultural constraints," he observed. "To me this means ignoring considerable number of our population in the decision-making process." He said the ECP was starting a female NIC and voter registration campaign targeting unregistered women in 79 districts across the country. He said through the campaign, women would be mobilised and facilitated to acquire NICs so that they could be enrolled as voters. [...] Under its existing projects, the Free and Fair Election Network (Fafen) intends to reach out to more than 1.7m unregistered women to list, motivate and facilitate them to apply for NIC registration. Concrete efforts are required to lower the number of women who will potentially be disenfranchised from the 2018 general elections.<sup>911</sup>

In February 2018 Dawn.Com stated:

A research study shared with Sindh lawmakers at a dialogue on Tuesday revealed that in the present assemblies, the National Assembly in particular, the participation of women in the most important parliamentary institution ie committee system, had declined compared with the term ending in 2013. The key findings and recommendations derived from the research study contemplating the 'Male legislators' attitude towards the empowerment of women legislators' were shared with men and women legislators of Sindh in an interactive dialogue held at the Sindh Assembly's committee room. [...] Raheema Panhwar, regional coordinator of the SPO, said 223 women were in four provincial assemblies and federal legislature (both houses of parliament). She said it was not yet the universal standard of 'critical mass theory', which necessitated having at least 33 per cent of the total parliamentary seats occupied by women. In 2008, Pakistan ranked 44 on the list of 145 parliaments arranged for percentage of women members, with 22.8pc women in its bicameral parliament and with a first-time-in-history woman speaker of the National Assembly. Out of more than 45 standing committees, women had chaired 12, which included the subjects considered to be the male domain ie finance and defence, etc. In the current mandate, however, the position has fallen to 65th with 20pc women in both the houses of parliament. Out of 11 parliamentary secretaries appointed by the prime minister in October 2017, two are women. In Sindh Assembly, there are 30 standing committees currently, of which four are being chaired by women. Of the nine special assistants to the CM, two are women. Out of 18 provincial ministers, none is a woman, while one woman is appointed as the adviser to the CM. Sindh legislature members said, "Women are not provided development funds for their constituencies, yet they take active part in debates, resolutions and passing of bills. They also have good record of punctuality." Some lawmakers said women party wings needed to be strengthened. They said it seemed too hard for the government to arrange a room for young mothers in the assembly. They also complained that women were allowed to reside in backseats. Even when one of them was a minister, she was not allowed to occupy the front desk.<sup>912</sup>

Radio Free Europe/ Radio Liberty reported in March 2018:

Pakistanis have elected a woman from the country's marginalized Hindu minority to the Senate for the first time ever in an election in which a cleric with links to the Taliban was defeated. Krishna Kumari Kohli, 39, a member of the Pakistan People's Party, hails from the so-called "untouchables," the lowest rung of the caste system that still prevails in Pakistan and neighboring India. Her election is being hailed

---

<sup>911</sup> Dawn.com, [ECP launches campaign to register 12m female voters](#), 5 December 2017

<sup>912</sup> Dawn.com [Women legislators' role diminishing in Pakistan: study](#) 28 February 2018

as a major milestone for women and minority rights in Pakistan. "I feel delighted, this was unthinkable for me to reach the Senate," Kumari Kohli told the AP. "I will continue to work for the rights of the oppressed people, especially for the empowerment of women, their health, and education," she added.<sup>913</sup>

Radio Free Europe/ Radio Liberty stated in March 2018 that:

Pakistanis have elected a woman from the country's marginalized Hindu minority to the Senate for the first time ever in an election in which a cleric with links to the Taliban was defeated. Krishna Kumari Kohli, 39, a member of the Pakistan People's Party, hails from the so-called "untouchables," the lowest rung of the caste system that still prevails in Pakistan and neighboring India. Her election is being hailed as a major milestone for women and minority rights in Pakistan. "I feel delighted, this was unthinkable for me to reach the Senate," Kumari Kohli told the AP. "I will continue to work for the rights of the oppressed people, especially for the empowerment of women, their health, and education," she added. Meanwhile, Maulana Samiul Haq, a mentor to a number of Taliban leaders, fell short in the election. Kohli's win followed a secret round of voting on March 3 by members of the parliament and provincial assemblies that gave the ruling Pakistan Muslim League-Nawaz party (PML-N) control of parliament's upper house.<sup>914</sup>

## 7.8 Other forms of discrimination (incl. property ownership rights)

US State Department stated in its 2016 Human Rights Report that:

The law prohibits discrimination based on sex in general, but authorities did not enforce it. Women also faced discrimination in employment, family law, property law, and the judicial system. Family law provides protection for women in cases of divorce, including requirements for maintenance, and sets clear guidelines for custody of minor children and their maintenance. The law entitles female children to one-half the inheritance of male children. Wives inherit one-eighth of their husbands' estates. Women often received far less than their legal entitlement.<sup>915</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) comprised of seventeen non-governmental organizations stated in April 2017:

According to a research analysis conducted by Awaz, the ownership of land is greater for men, there are also incidents of male relatives using force or resorting to murder, when their female relatives approach a court of law to claim their share in inheritance or refuse to give up their legal rights to inheritance. as compared to women, with a ratio of 65 % for men and 15 % for women. Courts in Pakistan have been upholding the rights of women to inherit property; however, very few cases are actually brought to the notice of courts.[...] Apart from entitlement to maintenance for a limited period, the property rights of divorced woman are not defined in any law. Although a provision pertaining to a wife's property and her personal belongings was added to the Family Courts Act 2002, which is to some extent already being used by women to secure property acquired by them during the subsistence of the marriage, there still remains no concept of marital property and a division of combined assets at the time of dissolution of a marriage.<sup>916</sup>

The UN Committee on Economic, Social and Cultural Rights (ECOSOC) stated in July 2017:

---

<sup>913</sup> Radio Free Europe/ Radio Liberty, [Pakistan Elects First Female Hindu Senator](#), 4 March 2018

<sup>914</sup> RFE/ RL, [Pakistan Elects First Female Hindu Senator](#), 4 March 2018

<sup>915</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017, Section 6. *Discrimination, Societal Abuses, and Trafficking in Persons Women*

<sup>916</sup> The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) [A Joint Civil Society Shadow Report](#), April 2017

The Committee is concerned at the provisions discriminating against women in the legislation of the State party. The West Pakistan Muslim Personal Law (Shariat) Act, 1962, for example, which permits polygamy and provides that a daughter is entitled to receive only half as much inheritance from her parents as a son would receive, contributes to the large gender disparity in landownership. The Qanun-e-Shahadat Order (Law of Evidence), 1984, stipulates that the value of women's court testimony is half that of a male witness.<sup>917</sup>

The Assessment Capabilities Project (ACAPS) stated in August 2017 in relation to the situation in drought-stricken Sindh province that:

Female headed households are more likely to resort to distress sales. 68% of female headed households surveyed at the end of 2015 were either landless or sharecroppers, which are the livelihood groups most vulnerable to the impact of drought. 41% are landless agricultural labourers or pastoralists, and 27% are sharecroppers. These livelihood patterns and vulnerabilities are likely to persist to date (Anonymous source, UNICEF Pakistan).<sup>918</sup>

## 8. Situation of children

### 8.1 Access to education

For attacks on education see section [4.5. Attacks on education](#)

For women's access to education see [7.2.2. Access to education](#)

UNICEF noted in its 2016 Pakistan Annual Report 2016 that:

Whilst Article 25-A of Pakistan's Constitution guarantees the right of every child to education, over 22.6 million children aged 5–16 are out of school, including 5 million of primary school age. There are severe inequities in school attendance by province, gender, rural/urban location, and wealth. For example, under 10 per cent of Islamabad girls are out of school, compared to over 75 per cent in Balochistan and FATA. Many children do not receive a quality education. Less than half of Grade 5 children in KP, Sindh and Balochistan could read in their vernacular language at a Grade 2 level, and children from the wealthiest families perform far better than their poorest counterparts.<sup>919</sup>

In October 2016, Right to Education noted that "In Pakistan, private enrolment at primary level is growing and reached 34 percent in 2013".<sup>920</sup> The report further noted that "research found absence rates in rural areas of 13 percent among government school teachers and 12 percent among private school teachers".<sup>921</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

Pakistan stands second in the world for the highest number of out-of school children, at 68 million. In the case of boys, the low quality of education, high poverty levels, perception of value of education and

---

<sup>917</sup> UN Committee on Economic, Social and Cultural Rights (ECOSOC), [Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 33

<sup>918</sup> ACAPS [Crisis Analysis, Pakistan](#), last updated 3 October 2017

<sup>919</sup> UNICEF, [Pakistan Annual Report 2016](#), 21 June 2017, p19

<sup>920</sup> Right to Education, Private profit, Public Loss: [Why the push for low-fee private schools is throwing quality education off track](#), 7 October 2016, p17

<sup>921</sup> Right to Education, Private profit, Public Loss: [Why the push for low-fee private schools is throwing quality education off track](#), 7 October 2016, p22



greater opportunity for child labour in urban areas, makes the more poor boys and their families opt for work rather than school. Girls are also forced to dropout from schools as daughters are needed at home to help with housework and take care of younger siblings, a form of gender specific, unpaid and unappreciated labour. Drop-outs, coupled with population growth, is further contributing to the intensification of child labour.<sup>922</sup>

Amnesty International noted in a submission published 1 June 2017 that:

38.8% of people in Pakistan are “multi-dimensionally” poor, meaning that 38.8% of people are deprived in at least one-third of the indicators under education (years of schooling, child school attendance, and educational quality), health [...] and living standards [...].<sup>923</sup>

Right to Education noted in a report dated 13 July 2017 that:

In relation to the right to education, guaranteed under Articles 13 and 14 of the Covenant, the Committee [on Economic, Social and Cultural Rights] expressed its reservations over the state’s policy of privatising education through its support for low-fee private schools. The Committee also noted that: ‘the absence of proper assessments of the impact of the public-private partnership initiatives on the right to education prior to their adoption as well as of their effectiveness in realising the right to education since their adoption’ was concerning.

Further, the Committee raised concerns over the lack of regulation of these schools which has resulted in declining standards in quality. The Committee also expressed unease that such schools could contribute to segregation in a society where only ‘high income families send their children to high quality private schools, while low income families have to send their children to underfunded public primary schools’, or to the country’s Basic Education Community Schools, a growing number of which are delivered through public-private partnerships (PPPs) and which are, ‘not properly monitored by the State party’.<sup>924</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee welcomes the inclusion of the right to education in the chapter of the Constitution on fundamental rights and notes the internal security challenges facing the State party, which have a significant adverse impact on children’s right to education. The Committee is, however, concerned at:

- (a) The very low net enrolment rates at all levels of education, including the preschool, primary and secondary levels, with large disparities between girls and boys, children in urban and rural areas, and children from high-income and low-income families;
- (b) The high number of out-of-school children and adolescents, despite a decreasing trend in recent years;
- (c) The low level of educational outcomes;
- (d) The inadequacy of school facilities;
- (e) The poor quality of education due to the lack of qualified teachers and their absenteeism, as well as the lack of suitable learning materials such as textbooks in public schools in rural and urban slum areas;
- (f) The increase in the already very high adult illiteracy rate (from 54 per cent in 2008 to 57 per cent in 2015), particularly among women;

---

<sup>922</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), p15

<sup>923</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p4

<sup>924</sup> Right to Education, [Another UN committee expresses concern over the privatisation of education and its implications for the right to education in Pakistan](#), 13 July 2017

- (g) The absence of inclusive education for children with disabilities;
- (h) The continuing terrorist attacks on students, teachers and schools and the use of schools by the military, particularly in the Federally Administered Tribal Areas and Balochistan (arts. 13-14). [...]

81. The Committee notes that the State party is implementing the Basic Education Community Schools programme and that, under this programme, the number of so-called “low-fee” private schools has increased drastically throughout the country through the establishment of public-private partnership initiatives. It also notes the information provided by the State party indicating that the cost-benefit ratio of projects implemented under the Basic Education Community Schools programme is higher than that of government primary schools. The Committee, however, is concerned at:

- (a) The absence of proper assessments of the impact of the Basic Education Community Schools programme and the public-private partnership initiatives on the right to education prior to their adoption, as well as of their effectiveness in realizing the right to education since their adoption;
- (b) The lack of effective regulation by the State party, at the federal and provincial levels, of these low-fee private schools;
- (c) The reportedly poor quality of education and teachers of these schools;
- (d) The very high non-fee-related expenses of these schools, amounting to about a quarter of the household income per student, which disproportionately impedes girls’ access to education;
- (e) The reinforcement of social segregation in education caused by the privatization of education, as high-income families send their children to high-quality private schools while low-income families have to send their children to underfunded public primary schools or to schools operating in the framework of the Basic Education Community Schools programme and not properly monitored by the State party (arts. 13-14). [...]

The Committee notes the contribution that madrassas have at times made to enhance access to education, particularly for disadvantaged and marginalized children, and the efforts made by the State party to close down a number of radical madrassas and to regulate the remaining ones. The Committee is, however, concerned at repeated reports that the curricula of some madrassas do not provide any education other than that based on the Qur’an and have content that may incite hatred against religious and ethnic minorities. It is also concerned that some textbooks and curricula used in Sindh and Punjab contain stereotyped images of religious and ethnic minorities (arts. 13-14).<sup>925</sup>

The UN Human Rights Council published a summary of stakeholders’ submissions on 23 August 2017 and noted that:

NCHR [National Commission for Human Rights Pakistan] stated that less than two per cent of the GDP was allocated to education. Joint Submission 19 (JS19) indicated that almost one in every five children of primary school age was not in school. Insufficient domestic prioritisation and financing continued to undermine the realisation of the right to education.

Concerning recommendations on the right to education, JS19<sup>926</sup> stated that the situation had not improved, especially within the context of access to quality education for all, regardless of social class, gender or ethnicity.<sup>927</sup>

The Assessment Capacities Project reported on 6 September 2017 that:

<sup>925</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, *paragraphs 79 and 81 and 83*

<sup>926</sup> Joint submission 19 submitted by: Pakistan Coalition for Education, with support of the Global Initiative for Economic, Social and Cultural Rights, Asia South Pacific Association for Basic and Adult Literacy (ASPBAE), Childs Rights Movement Pakistan (CRM), Society for Protection of the Rights of the Child (SPARC), Bonded Labour Liberation Front (BLLF), Pakistan Institute of Labour Education and Research (PILER), Pakistan Fisher folk Forum (PFF), Community Development Organization (CDO), Workers Education and Research Organization (WERO) and Program on Women’s Economic, Social and Cultural Rights (PWESCR)-Pakistan

<sup>927</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, *paras 80-81*

800,000 people are in need of education assistance in Pakistan, down from 1.4 million in March 2016. Over 22 million children are out of school across the country, with the most alarming rates in the most vulnerable provinces, Balochistan (70%), FATA (58%), and KP (58%). In Balochistan, almost 1,000 schools out of 13,000 are not functioning, whereas 5,000 are operating in one-room, one-teacher schools.

In Tharparkar, Umerkot, and Sanghan districts of the drought-affected Thar region of Sindh, schools are either non-existent or are located at long distances. Most children in the areas are out of school. Basic facilities like drinking water and separate sanitation facilities for girls are not available in almost all schools. Moreover, children have work at home, look after livestock and collect water.<sup>928</sup>

The Asian Human Rights Commission reported on 22 November 2017 that:

The Constitution, under the Policy Principle is to provide free education and rid the country of illiteracy. However, only 30% of children continue to be enrolled in classes 1-10. From the Pakistan Education Statistics we see as many as 44% of children between the ages of five and 16 still out of school.<sup>929</sup>

A January 2018 IRIN article cited Hashim Khan Afridi, director of education for FATA, as stating that “authorities face an uphill task when it comes to rebuilding the tattered education system. He told IRIN that years of militancy had destroyed or damaged more than 1,300 schools, while only around 900 have been reconstructed”.<sup>930</sup>

The Asian Legal Resource Centre reported on 27 February 2018 that:

Children in Pakistan are not only denied their basic right to a life of dignity, but are also denied their most fundamental right- the right to education. The official figure of out of school children paints a gloomy picture, calling out for emergency measures. According to data from the Ministry of Federal Education and Professional Training, as many as 44 percent of children between the ages of five and 16 are out of school. Of these, the majority are girls as the family deems girls’ education a waste of money and a burden on the already precarious financial condition.<sup>931</sup>

Human Rights Watch noted on 27 March 2018 that:

Pakistan already faces major challenges to education because of factors such as poor access, low enrollment rates, gender bias, lack of trained teachers, and poor physical infrastructure. Islamist militant violence has further exacerbated those challenges, however, and disrupted the education of hundreds of thousands of children.<sup>932</sup>

### *Children with disabilities & access to education*

In a January 2017 article the Open Society Foundations reported that:

A girl from a poor household in rural Balochistan, Pakistan, is likely to have a very different life than a boy born to a rich family in an urban center like Karachi or Lahore. To start, the girl from Balochistan is significantly more likely to die as an infant. If she survives infancy, her chances of going to school are

---

<sup>928</sup> Assessment Capacities Project, [Pakistan: Education](#), 6 September 2017

<sup>929</sup> Asian Human Rights Commission, [Universal Children’s Day- denied fundamental rights children suffer from State neglect](#), 22 November 2017

<sup>930</sup> IRIN, [“Ghost schools” risk breeding militancy in Pakistan tribal areas](#), 25 January 2018

<sup>931</sup> Asian Legal Resource Centre, [Pakistan: Rising violence against children](#), 27 February 2018

<sup>932</sup> Human Rights Watch, [Dreams Turned into Nightmares: Attacks on Students, Teachers, and Schools in Pakistan](#), 27 March 2018

small. Even if she enrolls, she will most likely drop out before she finishes the primary grades. In fact, the odds that she'll make it to 10th grade are vanishingly slim.

Her economic and social standing will probably never rise, even with marriage, and she faces a significant chance of dying while giving birth. She is likely to be malnourished as a child and anemic as an adult.

Now imagine that same child has a mental, physical, or learning disability. Even in a city, she would struggle. In a rural area, the odds against her will be stacked incredibly high.<sup>933</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

Insufficient domestic financing for education has been a major and detrimental issue to make the Right to Education an enforceable right which has resulted in wide inequalities. Factors such as urban-rural placement, gender and poverty converge to result in dire inequalities. According to some estimates, poor girls belonging to rural areas face the worse inequality with only 15% of girls likely to complete school as opposed to 40% of poor rural boys. The situation worsens for children with disabilities, who are even less likely to go to school.<sup>934</sup>

SPARC's 2016 annual report, published 3 May 2017, noted that "According to estimates, only 4% of children with disabilities have access to schools in Pakistan let alone can cater for their specific needs".<sup>935</sup>

Amnesty International noted in a submission published 1 June 2017 that:

Another major area of concern is the lack of integration into the mainstream schooling of children living with disabilities in Pakistan. Official education statistics in Pakistan do not incorporate data on children with disabilities. Enrolment, drop-out, and transition rates are not compiled separately for such children. It is not known how many children with mental and physical disabilities are currently out of school. Lack of disaggregated data and research impedes the development of effective policies to promote inclusive and quality education. Except a few donor-supported projects, school buildings in Pakistan do not have ramps, support bars or other disability friendly facilities. Since the insertion of the right to education in the constitution, all four provinces have introduced laws "guaranteeing" the right to "free and compulsory education". [...] However, the laws do not stipulate minimum basic facilities within schools, such as drinking water, toilets and ensuring schools are accessible for children with disabilities.<sup>936</sup>

Amnesty International reported in June 2017 that "Children living with disabilities, often experience discrimination, are out of school in large numbers and often do not have access to inclusive education. Few school buildings are accessible to people living with disabilities".<sup>937</sup>

For further information, see [10 Treatment of persons with disabilities](#).

#### Minorities' access to education

---

<sup>933</sup> Open Society Foundations, [The Stabilizing Power of School for Children with Disabilities in Pakistan](#), 4 January 2017

<sup>934</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), p42

<sup>935</sup> SPARC, [The State of Pakistan's Children 2016](#), 3 May 2016, p77

<sup>936</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p14

<sup>937</sup> Amnesty International, [Pakistan: Economic, social and cultural rights under attack](#), 12 June 2017

The annual religious freedom report by the U.S. Department of State covering 2016/2017 noted with regards to access to education “Minority religious leaders stated discrimination against Christians, Hindus, Sikhs, and Ahmadis in admission to higher education institutions persisted. They reported their communities continued to face restrictions in securing admissions into colleges and universities”.<sup>938</sup>

The UN Committee on the Elimination of Racial Discrimination stated in October 2016:

The Committee is concerned at violence against minorities, particularly Ahmadis, Hazaras and Dalits, and their de facto segregation in isolated areas without fair access to employment, health care, education and other basic services, which is exacerbated by growing violence against them.<sup>939</sup>

Minority Rights Group noted in a report published in October 2016 that:

Pakistan’s religious minorities also face discrimination along economic, social and cultural lines, and confront barriers to their effective participation in political life. [...] Rather than challenging such attitudes, the education system often reinforces intolerance and biases against religious minorities, through their representation in textbooks as well as everyday forms of discrimination in the classroom.<sup>940</sup>

Minority Rights Group further added in October 2016 that:

In addition to rising prejudice, material concerns also contribute to the marginalization of Pakistan’s Hindu population. [...] Other key challenges include access to and discrimination in education.<sup>941</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and SPARC noted in a March 2017 shadow report that:

Sikhs’ inability to rely on adequate protection by the State is reported to affect members of the Sikh community in different aspects of their daily lives, with some Sikhs for example reportedly choosing not to send their children to school due to a fear of attacks.<sup>942</sup>

The Asian Human Rights Commission reported on 8 September 2017 that:

The Asian Human Rights Commission (AHRC) has received updated information regarding the death of a 17-year-old Christian student, after the continuous hateful remarks of a teacher. The student was killed for drinking water from the school’s water cooler. Police still refuse to book the schoolteacher and head master for spreading religious hate among the students.

This is the second case of a Christian (student), beaten to death by Muslim students for touching the water cooler tap, after Asia Bibi, a Christian woman, was sentenced to death for taking water from the tap. During the past three months, three Christian students from various schools were forced to leave for being the Christians studying in Muslim schools.<sup>943</sup>

---

<sup>938</sup> U.S. Department of State, [PAKISTAN 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT](#), 15 August 2017, *Government Practices*, p. 18

<sup>939</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined twenty-first to twenty-third periodic reports of Pakistan](#), 3 October 2016, para.19

<sup>940</sup> Minority Rights Group, [Reports from Pakistan: Tracing the challenges facing religious minorities](#), October 2016, *Introduction*

<sup>941</sup> Minority Rights Group, [The situation of Hindus in Pakistan](#), October 2016

<sup>942</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p61

<sup>943</sup> The Asian Human Rights Commission, [Pakistan: Teacher’s hateful remarks led to killing of a Christian student](#), 8 September 2017

Muhammad Amir Rana, Director of the Pakistan Institute for Peace Studies noted in an October 2017 presentation at an EASO COI workshop that:

The school curriculum is another issue for religious minorities in Pakistan. Most of the Christians and Hindus have complained that the existing curriculum is inciting hatred against them. In many educational institutions, they have been forced to learn the Quran and take Islamic studies. Though they have the option to take other alternative subjects like ethics, they then have a lot of issues. The administration says they do not have the teachers or the resources, and this creates issues for them, and their youth feel more alienated within the society.<sup>944</sup>

The Asian Legal Resource Centre reported on 26 February 2018 that:

The hatred against religious minorities is increasingly common in the country's primary and secondary schools. In the absence of a proper educational policy, teachers follow the lead of fundamentalist preachers.

The ALRC recently reported and highlighted in its Urgent Appeal AHRC-UAC-124-2017 the case of a 17-year-old Christian student, Sharoon Masih. He was killed by his classmates, after absorbing the continuous hateful remarks of their teacher. The student was killed for drinking water from the school's water cooler. Police refused to book the schoolteacher and head master for spreading religious hate among the students. To date no arrests have been made. This is the second case of a Christian beaten to death by Muslim students for using the water cooler, after Asia Bibi, a Christian woman, was sentenced to death for taking water from the tap. During the past three months, three Christian students from various Muslim schools were forced to leave for being Christians.<sup>945</sup>

## 8.2 Violence against children

For information on the forced recruitment of minors, see:

4. *Overview of human rights abuses by non-state armed groups*, [4.1 Occupying humanitarian space and forced recruitment](#);

5. *State security forces*, [5.5 Forced and/or underage recruitment](#).

### 8.2.1 Juvenile executions

#### Legislation

In March 2017, CRIN produced a briefing for the Universal Periodic Review and noted that:

In Pakistan, people may lawfully be sentenced to corporal punishment, life imprisonment and the death penalty for offences committed while under the age of 18. Law reform has gone some way to eliminating corporal punishment, but since Pakistan lifted its unofficial moratorium in relation to terrorism cases in December 2014 and all capital cases in March 1 2015, it has resumed carrying out the death penalty for child offenders. Juvenile justice is primarily governed by the Juvenile Justice System Ordinance (JJSO), promulgated in 2000, but still not fully implemented throughout the country. The JJSO does not repeal other laws, but applies in addition to them. Where there is a conflict between legislation, the JJSO overrides other laws, except in relation to hadd offences (offences with penalties

---

<sup>944</sup> [Muhammad Amir Rana] EASO, [COI Meeting Report: Pakistan, 16-17 October 2017](#), February 2018, Section 6.2.1 Target killing, p61

5.6 District-specific issues of religious minorities, p52

<sup>945</sup> Asian Legal Resource Centre, [Pakistan: Government facilitates curbing freedom of religion](#), 26 February 2018



fixed under Shariah) and cases in special courts dealing with drug and terrorism offences. In March 2016, the Senate passed the Criminal Law (Amendment) Bill 2015, including a provision to raise the minimum age of criminal responsibility from seven to 10 years. Under Hudood Ordinances, children are liable to be sentenced to punishments upon reaching puberty. [...]

The Juvenile Justice System Ordinance states that “[n]otwithstanding anything to the contrary contained in any law for the time being in force, no child shall be (a) awarded punishment of death...” The prohibition applies to persons under 18 at the time of commission of an offence. However, the provisions of the JJSO are “in addition to and not in derogation of, any other law for the time in force”, and children are liable to be sentenced to death under other legislation. Child offenders may be tried under the Anti-Terrorism Act and the Control of Narcotic Substances Act, both of which provide for the death penalty. [...]

Child offenders may be sentenced to death for hadd offences. The Offence of Zina (Enforcement of Hudood) Ordinance punishes zina (unlawful sexual intercourse) with stoning to death for males and females. The provision which stated that the Ordinance overrides all other laws was repealed by the Protection of Women (Criminal Laws Amendment) Act 2006, but on 21 December 2010, the Federal Shariat Court declared this repeal unconstitutional. The Offences Against Property (Enforcement of Hudood) Ordinance 1979 was not amended in 2006, and explicitly overrides other laws. This Act provides for capital punishment for the offence of haraabah (threatening or hurting another person to obtain property) which results in murder. The Penal Code prohibits the sentence of death as qisa (retribution) for minors

The JJSO does not prohibit life imprisonment. The Penal Code punishes a number of crimes with life imprisonment; which is considered equal to 25 years’ imprisonment when calculating fractions of sentences. The sentence may be commuted to imprisonment for a term up to 14 years. Children may also be sentenced to life imprisonment under the Control of Narcotic Substances Act, the Prohibition (Enforcement of Hadd) Order, the Offences Against Property (Enforcement of Hudood) Ordinance and the Anti-Terrorism Act.<sup>946</sup>

A report detailing a summary of stakeholders’ submissions to the UN Human Rights Council on 23 August 2017 noted that:

CRIN and JS8 [Child Rights Movement] noted the enactment of the Criminal Laws (Second Amendment) Act, 2016 whereby the minimum age of criminal responsibility had been increased from seven years to ten years in the Penal Code.

HRCP stated that the amendments to the Army Act 1952 had not expressly excluded juveniles from trial before military courts. JS8 [Child Rights Movement] noted that the Protection of Pakistan Act 2014 gave it an overriding effect over other laws, including the Juvenile Justice System Ordinance of 2000, which prohibited the preventive detention of children below 15 years of age.<sup>947</sup>

### Prevalence and practice

Dawn news reported on 18 February 2017 that:

At least 10pc of the current death row population consists of juvenile offenders, a report on the juvenile justice system launched on Friday has found. In addition, it revealed that is unclear whether the juvenile justice ordinance applies to anti-terrorism legislation, and that over 60pc of government-issued identification documents are deemed unreliable by courts, making it impossible for defendants to provide their age. [...]

The report found that at least 10pc of the current death row population consists of juvenile offenders – around 800. [...]

---

<sup>946</sup> CRIN, [Inhuman sentencing of children in Pakistan Briefing for the 28th Session of the Universal Periodic Review in October 2017](#), March 2017

<sup>947</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, paras 97-98

According to the report, over 60pc of government-issued identity documents were deemed unreliable by courts, making it impossible for defendants to prove their age.<sup>948</sup>

CRIN noted in March 2017 that:

At least six people have been executed for offences committed while they were children since Pakistan lifted its official moratorium in December 2014. [...] Estimates from NGOs working with child offenders in Pakistan indicate that as many as 800 people convicted of crimes committed while they were under the age of 18 may be currently on death row in Pakistan.<sup>949</sup>

Justice Project Pakistan (JPP), World Organisation Against Torture (OMCT) and Reprieve similarly noted in a June 2017 report that:

Since the lifting of the moratorium on the death penalty, the Government of Pakistan has executed at least 6 prisoners despite the existence of credible evidence in favour of their juvenility at the time of the commission of their alleged offences. These include: Shafqat Hussain, Aftab Bahadur, Muhammad Sarfraz, Ansar Iqbal, Faisal Mahmood and Saqi Shah. Despite the prohibition on the imposition of death sentences and capital punishment on persons below the age of 18 years at the time of the commission of an offence under the Juvenile Justice System Ordinance, 2000 (JJSO), in March 2015, United Nations human rights experts noted that “several hundred” prisoners on Pakistan’s death row “may have been sentenced for crimes they committed as children”. [...] <sup>950</sup>

The US State Department noted in their 2017 Country Report on Human Rights Practices, published 3 March 2017, that:

The Juvenile Justice System Ordinance, which outlines the treatment of juveniles in the justice system, does not apply to juveniles accused of terrorism or narcotics offenses. SPARC reported that, in the past, officials arrested children as young as 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, and/or tried for, crimes they allegedly committed while under the age of 18. Lack of documentation continued to be a problem for verifying questions of legal age. Civil society sources reported that, while they had no official reports of 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.<sup>951</sup>

CRIN reported on 30 March 2017 that:

On 10 May 2016, Muhammad Sarfaraz was executed in Pakistan after 22 years on death row for an offence he allegedly committed while he was a child. The Justice Project Pakistan reports that there are two cases pending before Pakistan’s Supreme Court in which child offenders face the death penalty. “Moinuddin” and “Azam” were arrested in 1998, when the pair were 17 and sentenced to death in 1999 under the Anti-Terrorism Act.<sup>952</sup>

Justice Project Pakistan (JPP), World Organisation Against Torture (OMCT) and Reprieve noted in a June 2017 report that:

---

<sup>948</sup> Dawn, [Juvenile offenders make 10pc of current death row population, report finds](#), 18 February 2017

<sup>949</sup> CRIN, [Inhuman sentencing of children in Pakistan Briefing for the 28th Session of the Universal Periodic Review in October 2017](#), March 2017

<sup>950</sup> Justice Project Pakistan (JPP), World Organisation Against Torture (OMCT) and Reprieve, [Pakistan: Alternative Report to the Human Rights Committee](#), June 2017, para 19

<sup>951</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6

<sup>952</sup> CRIN, [Death Penalty: Submission for the Secretary General’s report on the death penalty 2017](#), 30 March 2017

The existence of juvenile offenders on Pakistan's death-row results from the failure of the juvenile justice system to formulate and implement age determination mechanisms in compliance with international legal standards. According to Pakistan's Demographic and Health Survey 2012-2013, 34% of children under the age of 5 are registered and 46% of the general population has no form of registration. In the absence of documentary proof of age, arresting officers rely upon arbitrary visual assessments of physical appearance to record age. In practice, police are more likely to record the age of the accused as much higher than it appears to avoid the application of juvenile safeguards under law.<sup>953</sup>

[...] despite the existence of credible evidence in favour of their juvenility a significant number of juveniles are sentenced to death and executed. A study by Justice Project Pakistan of 140 cases between 2000-2016 wherein a plea of juvenility was raised discovered that courts inevitably rely upon the evidence that goes against the claim of the accused party, regardless of its nature.<sup>954</sup>

The June 2017 JPP, OMCT and Reprieve report went on to note that:

[...] courts in Pakistan refuse to admit evidence of juvenility if raised at the appellate stages or during post-conviction reviews. The unwillingness of the superior judiciary to entertain inquiries into age during the appellate stages of a case or even after the appeals have been concluded has certainly led to the execution of several juveniles.<sup>955</sup>

Amnesty International noted in a submission dated 2 June 2017 that:

The death penalty has been used on persons who were below 18 years of age when the crime was committed, despite the clear prohibition of the practice in Article 6(5) of the Covenant, Article 37(a) of the Convention on the Rights of the Child, and under customary international law. Pakistan's Juvenile Justice System Ordinance (JJSO), 2000 also prohibits the imposition of the death penalty on "a person who at the time of commission of an offence has not attained the age of eighteen years". Since December 2014, at least five individuals have been executed who were believed to be younger than 18 years of age at the time when the crime was committed.

On 10 June 2015, Aftab Bahadur Masih was hanged in Lahore after his mercy petition was rejected. Masih, who had a disadvantaged socio-economic background and belonged to the minority Christian community, was 15 years old when he was convicted of murder. At the time of investigation, the police recorded his age as 21.

Additionally, he was tried under the Special Courts for Speedy Trials Act, 1992, which has provisions aimed at expediting the trial process. This includes Section 7 that obligates the police to complete the investigation in 14 days, and Section 8, under which courts are required to conclude trials within 30 days. Often this leads to violation of the right to a fair trial in the interest of reaching a speedy resolution on the cases. Masih's lawyers said that he had been tortured by the police into "confessing" his crime. The eyewitnesses in the case had also retracted their testimonies. Masih spent 23 years on death row before being executed.

Aftab Masih's and other similar cases illustrate several shortcomings in Pakistan's juvenile justice system. The police, prosecutors and the courts do not follow any age determination protocols. Upon arrest, police officers record a suspect's age based on physical examination which can be highly misleading. [...]

In 2016, the Committee on the Rights of the Child (the CRC Committee) urged the government to "establish effective age determination mechanisms in order to ensure that in cases where there is no proof of age, the child is entitled to a proper investigation to establish his/her age and, in the case of conflict or inconclusive evidence, the child shall have the right to the rule of the benefit of the doubt".

---

<sup>953</sup> Justice Project Pakistan (JPP), World Organisation Against Torture (OMCT) and Reprieve, [Pakistan: Alternative Report to the Human Rights Committee](#), June 2017, para 20

<sup>954</sup> Justice Project Pakistan (JPP), World Organisation Against Torture (OMCT) and Reprieve, [Pakistan: Alternative Report to the Human Rights Committee](#), June 2017, para 21

<sup>955</sup> Justice Project Pakistan (JPP), World Organisation Against Torture (OMCT) and Reprieve, [Pakistan: Alternative Report to the Human Rights Committee](#), June 2017, para 22

The CRC Committee also called upon Pakistan to ensure that all cases involving children are “overseen by juvenile courts in compliance with the Convention and all applicable international standards”. The Anti-Terrorism Act, 1997 and the recently promulgated Army Amendment Act, 2017 both have an overriding effect over other laws prevailing in the country, including the JJSO, 2010.<sup>956</sup> Thus, contrary to the prohibition under JJSO 2010 of the imposition of the death penalty on children under 18 years old, children are treated as adults before anti-terrorism courts and the military courts, and are liable to be subjected to the death penalty, in contravention of international law.<sup>956</sup>

### Treatment of child prisoners

SPARC’s 2016 annual report, published 3 May 2017, noted that “In 2016, an estimated 979 juveniles remained incarcerated across different jails in the country”.<sup>957</sup>

The US State Department noted in their 2016 Country Report on Human Rights Practices, published 3 March 2017, that:

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. [...]

SPARC described conditions for juvenile prisoners as among the worst in the country. Many juveniles spent long periods behind bars because they could not afford bail. According to SPARC, rather than being rehabilitated, child prisoners often became hardened criminals after having spent long periods in the company of adult prisoners.<sup>958</sup>

In March 2017, CRIN produced a briefing for the Universal Periodic Review and with regards to corporal punishment noting that:

The Juvenile Justice System Ordinance states that no child may be subject to corporal punishment while in custody, but child offenders may be sentenced to corporal punishment for hadd offences as these are not clearly overridden by the JJSO. Corporal punishment has been prohibited as a criminal sentence in certain regions of Pakistan:

- The Prohibition of Corporal Punishment Act 2017 prohibits corporal punishment and humiliating and degrading treatment of children in the juvenile justice system (as defined under the JJSO) in the Islamabad Capital Territory.
- In January 2017, the Sindh regional assembly passed the Prohibition of Corporal Punishment Act, which banned corporal punishment in the juvenile justice system.
- Gilgit-Baltistan enacted the Prohibition of Corporal Punishment Act in August 2016.<sup>959</sup>

Justice Project Pakistan (JPP), Reprieve and World Organisation Against Torture (OMCT), Pakistan: Alternative Report to the Committee Against Torture noted in an April 2017 report that:

Pakistan’s practice of extracting confessions with torture/CIDT is equally troubling in relation to juvenile defendants. Despite both international and domestic recognition of juveniles’ special protected status, Pakistani police regularly torture juveniles to extract confessions, just like adults. This practice is particularly egregious because juveniles are more susceptible to the abusive tactics police employ; therefore, they are more likely to confess, true or false, as the result of torture.<sup>960</sup>

---

<sup>956</sup> Amnesty International, [Submission to the UN Human Rights Committee, 120<sup>th</sup> session, 3-28 July 2017](#), 2 June 2017, p7-8

<sup>957</sup> SPARC, [The State of Pakistan’s Children 2016](#), 3 May 2016 , p vi

<sup>958</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017, Section 1c

<sup>959</sup> CRIN, [Inhuman sentencing of children in Pakistan Briefing for the 28th Session of the Universal Periodic Review in October 2017](#), March 2017

<sup>960</sup> Justice Project Pakistan (JPP), Reprieve and World Organisation Against Torture (OMCT), [Pakistan: Alternative Report to the Committee Against Torture](#), April 2017, p14

In its annual report covering 2017 the Human Rights Commission of Pakistan (HRCP) noted that “According to HRCP documented media reports, 39 children along with their mothers contracted pneumonia due to extreme cold and insufficient health care in various KP prisons – nine in Peshawar, eleven in D. I. Khan, four in Charsadda, three in Mardan, seven in Haripur and five in Bannu. The report declared the Malakand Prisons to have the worst health and hygiene conditions”.<sup>961</sup>

### 8.2.2 Physical violence

SPARC’s 2016 annual report, published 3 May 2017 sets out the federal and provincial legislation on corporal punishment.<sup>962</sup>

The same report noted that:

The use of corporal punishment is rampant in workplaces, homes and educational institutions. Classroom discipline is enforced by maintaining a constant or intermittent state of fear among students which hampers their ability to learn and in many cases leads them to drop out of school. However, despite considerable evidence on the harmful impact of corporal punishment, teachers in schools and madrassahs across the country continue to use it as a tool for disciplining children.<sup>963</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and SPARC noted in a March 2017 shadow report that:

Corporal punishment at home and in school is culturally widely accepted. In addition, the Penal Code exempts from punishment anyone who inflicts corporal punishment upon a child if done in good faith for the benefit of the child (Section 89 PPC). A 2016 amendment to the Criminal Code prohibits cruelty to children but only covers extreme cases that results in physical or psychological injury. It further does not nullify the above-mentioned section 89 PPC.

It is important to add that a bill prohibiting corporal punishment was passed by the National Assembly in 2013 but has not been passed by the Senate. Debates in the Senate reveal that several members of Parliament found the proposed bill to be against Islamic values.

Although there are several provincial regulations, they remain largely ineffective. In Punjab, the provincial government has prohibited corporal punishment through an executive order instead of proper legislative enactment that would impose a penalty on anyone exercising corporal punishment on children in schools, at home, and other child care institutions. Moreover, provincial laws that exist in Khyber Pakhtunkhwa, and Sindh, remain unenforced in the many religious schools (madrassahs) that are not registered with the government. Balochistan is yet to prohibit corporal punishment in educational institutions including madrassahs.<sup>964</sup>

In October 2016, Minority Rights Group reported an incident, which took place in Sindh district October 2016:

A 16-year-old boy was severely beaten during Diwali while he was bathing from a tap near a lake in his village. A Muslim man saw him and beat the child for making the water ‘impure’ by touching the tap. The perpetrator allegedly told him that, as a Hindu, he has no right to bathe in an area used by Muslims, after which he was severely beaten.<sup>965</sup>

---

<sup>961</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Jails* p.60

<sup>962</sup> SPARC, [The State of Pakistan’s Children 2016](#), 3 May 2016, p37

<sup>963</sup> SPARC, [The State of Pakistan’s Children 2016](#), 3 May 2016, p36

<sup>964</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p32-33

<sup>965</sup> Minority Rights Group, [Selected rights violations against Hindus](#), October 2016, *Introduction*

SPARC reported in November 2016 that:

[...] a student in Larkana Cadet College who was injured and also lost his senses due to alleged torture by a teacher. The team arrived at the house of victim and were informed that after being strangled, Mohammed Ahmed, 14, broke sensitive bones of his neck. He has lost his speech and his brain suffered paralysis. He is on a liquid diet as he can neither digest nor chew solid food. He was tortured so severely by his teacher that the student ended up losing his senses and became paralyzed.<sup>966</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

Apart from economic exploitation, child domestic workers are often exposed to cruel and unsafe working environments where they are frequently subjected to physical and psychological violence. [...] Furthermore, underage workers in homes are often subjected to sexual and physical abuse in which both adults and children emerge as perpetrators. [...] In fact, incidents of violence against child domestic workers rise every.<sup>967</sup>

The UN Human Rights Council detailed amongst the Summary of Stakeholders' submissions to the Universal Periodic Review on Pakistan dated 23 August 2017 that:

Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children was not fully unlawful in any settings and recommended its prohibition in all settings, including the home, throughout the territory.<sup>968</sup>

On 22 November 2017, the Asian Human Rights Commission reported that:

Government figures from the Child Protection and Welfare Bureau (CPWB), state that from 2015 to 2016, as many as 73 children have been rescued from brutal violence in homes where they were working. No abuser has ever been given even a minor punishment.<sup>969</sup>

In its annual report covering 2017 the Human Rights Commission of Pakistan (HRCP) noted that "A newspaper report quoting official sources in the Central Police Office (CPO) said 'over 750 cases were registered against suspects in 2017 for committing crimes against children, including girls and boys, mostly aged between 3 and 15 years. This represented an increase of 30 percent compared to 2016. Apparently, most of such crimes were reported in Lahore, Faisalabad, Gujranwala, Kasur, and Rawalpindi'".<sup>970</sup>

In January 2018 the Movement for Solidarity and Peace in Pakistan reported that "In the latest incident of corporal punishment on children, an eight-year-old boy died after he was allegedly beaten up by a seminary teacher in the city's Bin Qasim Town. The local police said the child was meted out harsh

---

<sup>966</sup> SPARC, [Larkana Cadet College Student Paralysed Due to Torture by Teacher](#), 19 November 2016

<sup>967</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p16

<sup>968</sup> UN Human Rights Council, [Summary of Stakeholders' submissions on Pakistan](#), 23 August 2017, para 93

<sup>969</sup> Asian Human Rights Commission, [Universal Children's Day- denied fundamental rights children suffer from State neglect](#), 22 November 2017

<sup>970</sup> Human Rights Commission of Pakistan, [State of Human Rights in 2017](#), 16 April 2018, *Violence against children* p.52



punishment first by his family members and then by the teacher for not going to a seminary for religious lessons”.<sup>971</sup>

The Pakistani NGO Sahil published a report on 25 March 2018 that compiled reports from 91 national and regional newspapers to document reported child abuse incidents in 2017. The report noted that:

In 2016, overall 694 cases more were recorded than in this year 2017.

In the year 2017, a total 3445 child abuse cases were reported in newspapers from all four provinces including Islamabad Capital Territory (ICT), Azad Jammu and Kashmir (AJK), Gilgit Baltistan (GB), and Federally Administered Tribal Areas (FATA).

The data reveals that now, in a day more than 9 children have been abused during the year 2017. The major crime categories of the reported cases are, abduction 1039, missing children 517, rape 467, sodomy 366, attempt of rape 206, gang sodomy 180, gang rape 158 and 109 cases of child marriages. This year 109 cases were reported of murder after sexual abuse, it shows that 9% cases have increased as compared to 100 cases reported last year 2016. A gender analysis shows that 58% girls and 42% boys have been murdered after sexual abuse in 2017.

The statistics of Cruel Numbers shows that out of the total reported 3445 cases, (2077) 60% victims were girls and (1368) 40% were boys.

A total number of 5284 abusers are identified, which includes the data of gangs involved in all the 3445 cases of abuse excluding 143 cases of child marriages.

This year out of the total reported 3445 cases, 29% incident occurred in closed places, 15% cases have been occurred in open places, whereas in 1790 cases, the place of abuse was not mentioned in newspapers.

Provincial divide statistics shows that, 63% cases were from Punjab, 27% cases from Sindh, 4% cases from Balochistan, 3% cases from Islamabad, 2% cases from KP, 12 cases from AJK and 3 cases from GB have reported in newspapers.

Out of the total reported cases, 76% were from rural areas and 24% cases reported from urban areas. Cruel Numbers statistics show that 72% cases were registered with the police. Whereas in 99 cases the police refused to register the case, 44 cases were unregistered with the police and 797 cases registration status were not mentioned in newspapers.

This year out of the total 3445 cases, 1746 cases of child sexual abuse only (excluding cases of abduction, child marriages and missing children) were reported. It shows that, 59% cases of sexual abuse were girls and 41% were boys.<sup>972</sup>

See the section [8.5. Trafficking of children / child labour / sale of children / debt bondage](#) for further information, particularly sub section: Abuse of child domestic workers.

### 8.2.3. Sexual violence/exploitation

SPARC's 2016 annual report, published 3 May 2017 sets out the federal and provincial legislation on sexual abuse of children.<sup>973</sup>

The US State Department's 2016 Country Report on Human Rights Practices noted that "In February the government updated its definition of statutory rape and expanded the previous definition, which was sexual intercourse with a girl younger than age 16, to include boys".<sup>974</sup> The same source further noted:

---

<sup>971</sup> Movement for Solidarity and Peace in Pakistan, [8-YEAR-OLD BOY ALLEGEDLY TORTURED TO DEATH BY SEMINARY TEACHER](#), 23 January 2018

<sup>972</sup> Sahil, [Cruel Numbers 2017](#), 25 March 2018, *Report Highlights*

<sup>973</sup> SPARC, [The State of Pakistan's Children 2016](#), 3 May 2016, p43

<sup>974</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017, *Section 6*

In March, Parliament amended the criminal code to protect further children from specific crimes of child pornography, sexual abuse, seduction, and cruelty. 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. Many children, including trafficking victims forced to beg at bus terminals and on the side of the road, experienced sexual and physical abuse. In May a sex abuse scandal involving the kidnapping, drugging, sexual abuse, and filming of young boys for child pornography by a gang in Swat was reported by media and civil society; however, the March amendment to the criminal code was reportedly not applicable to PATA, FATA, Gilgit-Baltistan, and AJK.<sup>975</sup>

UNICEF noted in its 2016 Pakistan Annual Report 2016 that:

Children in Pakistan are vulnerable to many forms of violence and exploitation, including child marriage, physical and/or sexual abuse, and child labour. These issues are often exacerbated by limited awareness and gender biased social norms, including within the context of frequent natural and human-made disasters. Challenges also exist due to a lack of up-to-date, reliable data on key issues related to child protection. Nearly 30 years after Pakistan ratified the Convention on the Rights of the Child (CRC), no integrated child protection case management and referral system – as aligned with international standards – has been established.<sup>976</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and SPARC noted in a March 2017 report that “an inquiry by FOP [Federal Ombudsman of Pakistan] found that children and adolescents are often detained with hardened prisoners due to lack of space and as a result suffer torture and sexual abuse”.<sup>977</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that “underage workers in homes are often subjected to sexual and physical abuse in which both adults and children emerge as perpetrators”.<sup>978</sup>

Dawn news reported on 23 July 2017 that 10 minors had been raped and killed within six months in Kasur city:

Six months and 10 murders, and all the deceased are minor ages five to 10 and all of them were raped and killed. And the bodies were found in under-construction houses.

Of the 10 minors found raped and killed, seven were girls and three boys. [...] Police have, however, failed to resolve any case; two persons, which the police said were the alleged rapists, were killed in encounters “by their own accomplices”. [...]

The serial killing started in January this year, when a five-year-old girl, of Kot Peeran, was found gagged in an under-construction house near her house. The police have yet to find any clue in their search for the murderers.<sup>979</sup>

The UN Human Rights Council noted in a report summarising stakeholders’ submissions, published in August 2017 that:

---

<sup>975</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017, Section 6

<sup>976</sup> UNICEF, [Pakistan Annual Report 2016](#), 21 June 2017, p31

<sup>977</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p11-12

<sup>978</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p16

<sup>979</sup> Dawn, [10 minors raped, killed in six months in Kasur city](#), 23 July 2017

JS2 [ECPAT International and Pakistan Paediatric Association] reported that [...]. Boys were reported to be sexually abused also in schools or madrassas.<sup>980</sup>

ECPAT noted in a September 2017 report that:

Although in different manners, boys are also victims of sexual violence. As families normally consider their sons more capable of protecting themselves, they tend to deny the sexual abuse of boys, as well as consensual sexual relationships between males. [...] In unpublished evidence from Pakistan, informants considered sex with young boys a matter of pride and a symbol of status. In conservative tribal communities, a boy is perceived as turning into a man when he marries. Before that, boys are considered sexually available to other men. The biological notion whereby a boy cannot get pregnant is often the basis for believing that they remain physically and emotionally unaffected by sexual abuse.<sup>981</sup>

The same September 2017 ECPAT report further noted that:

While no research is available on SECTT [sexual exploitation of children in travel and tourism] in Pakistan, cases have been reported of boys procuring prostitutes or selling sex to local tourists and pilgrims at mazaars (holy shrines). The Baba Shah Jamal shrine in Lahore, a popular destination for devotees from around the country, has been known all along for being a hotspot for young sex workers. Some evidence shows that mafia gangs dealing in drugs and prostitution facilitate transactions between men and the boys frequenting the shrines.<sup>982</sup>

The ECPAT report went on to note measures take to protect children:

A number of specific actions have been undertaken in the region to support child victims of sexual exploitation. In Pakistan, the Senate passed a bill in March 2016 that criminalises, for the first time, sexual assault against children, child sexual abuse material and trafficking<sup>983</sup>.

The Asian Human Rights Commission reported on 22 November 2017 that:

According to media reports from January to June 2017, as many as 1,764 children were sexually abused in Pakistan. It means that approximately 10 children are raped each day in Pakistan. The disturbing incidents of child sexual abuse have not decreased; rather they are increasing in frequency. For instance on October 31, 2017, a 16-year girl was paraded naked on the orders of the Jirga in DI Khan Area of Khyber Pakhtunkhwa province. She was made to suffer this torture as "punishment" - because her brother had been in a relationship with a girl.<sup>984</sup>

The Asian Human Rights Commission reported in January 2018 that:

[...] the Punjab Government and law enforcement were aware of the statistics; 11 children abused every day. During the past 12 months, 12 girls between the ages of five and eight have been killed in the area where Zainab's dead body was found. [...] Pakistan's worst child abuse scandal was unearthed in 2015, in Kasur District: more than 200 children were filmed while being sexually abused from 2009 onwards. The gang responsible for these

---

<sup>980</sup> UN Human Rights Council, [Summary of Stakeholders' submissions on Pakistan](#), 23 August 2017, para 94

<sup>981</sup> ECPAT International, [Regional Overview: Combating the sexual exploitation of children in South Asia. Evolving trends, existing responses and future priorities, September 2017](#), p24

<sup>982</sup> ECPAT International, [Regional Overview: Combating the sexual exploitation of children in South Asia. Evolving trends, existing responses and future priorities, September 2017](#), p45

<sup>983</sup> ECPAT International, [Regional Overview: Combating the sexual exploitation of children in South Asia. Evolving trends, existing responses and future priorities, September 2017](#), p98

<sup>984</sup> Asian Human Rights Commission, [Universal Children's Day- denied fundamental rights children suffer from State neglect](#), 22 November 2017

pornographic videos is yet to be indicted; in fact, due to Pakistan's weak prosecution and investigation system, the culprits were given the benefit of the doubt, and the anti-terrorism court acquitted four suspects in August 2017.<sup>985</sup>

Amnesty International noted in its annual report for Pakistan 2017/2018, published 22 February 2018, that:

Violence continued against women and girls, including killings by relatives committed in the name of so-called "honour". [...] Parallel and informal justice systems continued to undermine the rule of law and to issue unjust "verdicts" that punished women and girls. In July, a village council in Multan district ordered and carried out the rape of a teenage girl in "revenge" for a crime allegedly committed by her brother. In August, the bodies of a teenage couple in Karachi were exhumed to reveal evidence of electric shocks. The couple had been sentenced to death by a *jirga* (tribal council). In September, a man in Peshawar city killed his two daughters because he suspected they had boyfriends.<sup>986</sup>

The Asian Legal Resource Centre reported on 27 February 2018 that:

Pakistan's collective morality was recently shaken to its core by the rape and murder of a seven year old girl Zainab, from Kasur District in Punjab Province. The brutal murder initiated a public debate on the sensitive issue of child sexual abuse, which is increasing in frequency, and not confined to any economic class. On 31 October 2017, a 16-year-old girl was paraded naked on the orders of a Jirga in DI Khan Area of Khyber Pakhtunkhwa province. She was made to suffer this 'punishment' because of her brother's relationship with a girl. In District Bhalwal, Punjab Province, a seven year old school girl was kidnapped and later her dead body was found in a field. In Sheikhpura District, an eight year old girl Baleeha, was kidnapped on December 23 and her dead body was found in a gunny bag on 4 January 2018. In Tasawarabad area of Sargodha District, a 15-year-old girl was found murdered.

Pakistan's worst child abuse scandal was unearthed in 2015, in Kasur District: more than 200 children were filmed while being sexually abused from 2009 onwards. The gang responsible for these pornographic videos is yet to be indicted; in fact, due to Pakistan's weak prosecution and investigation system, the culprits were given the benefit of the doubt, and the anti-terrorism court acquitted four suspects in August 2017. The delay in adopting policy measures to ensure the protection of children from all forms of abuse and exploitation has made matters worse.

Kasur District has become the hub of child sexual abuse in Pakistan, with over 700 cases of child sexual abuse being reported since 2015. In 2017, 129 child assault cases were reported from Kasur, yet hundreds more go unreported due to the shame and taboo associated with the issue, as well as victims' reluctance to take the matter to the police. According to official records, the crime against children including kidnapping, rape and murder has soared by 30% in 2017 compared to 2016. Moreover, statistics compiled by different NGOs show that 11 children are raped every day.

Pakistan's ineffective and inept justice system has failed to give even minor punishments to sex offenders. It is the responsibility of the Courts to levy correct punishments on those accused. Compromises in cases of the murder of underage children should not be allowed. Though medical evidence is against the accused in almost all cases, these are overlooked by the lower courts. The sickening trend of bribes is so rampant, that not even the aggrieved family of the murdered child is spared. Zainab's uncle for instance, was asked to pay Rs 10,000 to the police officer who found her dead body dumped in the garbage for successfully "locating" Zainab.<sup>987</sup>

Human Rights Watch reported on 18 January 2018 that:

According to the Islamabad-based nongovernmental organization Sahil, an average of 11 cases of child sexual abuse are reported daily across Pakistan. Zainab was among the dozen children to be murdered

---

<sup>985</sup> Asian Human Rights Commission, [Pakistan: Has the country abandoned its children?](#), 12 January 2018

<sup>986</sup> Amnesty International, [Pakistan 2017/2018](#), 22 February 2018

<sup>987</sup> Asian Legal Resource Centre, [Pakistan: Rising violence against children](#), 27 February 2018

in Kasur district in Punjab province in the past year. In 2015, police identified a gang of child sex abusers in the same district.<sup>988</sup>

In its World Report 2018 covering events of 2017 Human Rights Watch reported that:

Violence against women and girls—including rape, “honor” killings, acid attacks, domestic violence, and forced marriage—remained a serious problem. Pakistani activists estimate that there are about a 1,000 “honor” killings every year.

In June, a tribal council (jirga) in Khyber agency ordered the “honor” killing of Nagma, a 13-year-old girl, for “running away with men.” Parliament had passed in February a controversial bill giving legal cover to tribal and village councils.<sup>989</sup>

The Pakistani NGO Sahil published a report in March 2018 that compiled reports from 91 newspapers to document reported child abuse incidents. The report noted that:

This year out of the total 3445 cases, 1746 cases of child sexual abuse only (excluding cases of abduction, child marriages and missing children) were reported. It shows that, 59% cases of sexual abuse were girls and 41% were boys.<sup>990</sup>

See the section [8.5 Trafficking of children / child labour / sale of children / debt bondage](#) for further information.

### 8.3 (Female) infanticide

The Pakistan Observer reported on 26 September 2016 that:

In Pakistan, abortion, infanticide is illegal and so is adultery, even then we hear about cases of children born out of wedlock and then are killed clandestinely due to the stigma of illegitimacy.

Premarital relations are strictly prohibited in country and are frowned upon by society and that is the reason there is probably no bigger taboo than having a child out of wedlock. According to Islamic point of view infanticide is a punishable crime and Islamic laws award very severe punishment. However, despite such punishments and social taboos people are still involved in extramarital relationship and ultimately they commit a hideous crime of infanticide. [...] According to media reports the ratio of female infanticide is greater than male infanticide.<sup>991</sup>

The US State Department’s 2017 Country Report on Human Rights Practices published on 3 March 2017 noted that:

By law anyone found to have abandoned an infant may be jailed for seven years, while anyone guilty of secretly burying a deceased child may be imprisoned for two years. Murder is punishable by life imprisonment, but authorities rarely prosecuted the crime of infanticide.<sup>992</sup>

On 8 April 2017, the newspaper Daily Pakistan reported that:

Discrimination against girls through abortion and infanticide is an open secret of Pakistani society.

---

<sup>988</sup> Human Rights Watch, [Pakistan Needs to Protect Children from Sexual Abuse](#), 18 January 2018

<sup>989</sup> Human Rights Watch, [World Report 2018: Pakistan](#), 18 January 2018

<sup>990</sup> Sahil, [Cruel Numbers 2017](#), 25 March 2018, *Report Highlights*

<sup>991</sup> Pakistan Observer, [Curse of Infanticide](#), 26 September 2016

<sup>992</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section*

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. Chhipa Welfare Association and the Aman Foundation have reported similar increases.

Experts have noted that increasing costs of living have also led to the increase in female infanticide in the urbanised Karachi that continues to face new complex problems.<sup>993</sup>

On 10 May 2017, Dawn news reported that:

On Sunday, this newspaper reported a harrowing case of murder in Muzaffargarh. According to the story, a young woman and her child were set on fire by the woman's husband on April 2. Their crime? The woman was punished for giving birth to a girl, and the infant for being one. Sadly, the mother died this weekend although her eight-month-old daughter has miraculously survived.

[...] The Edhi Foundation's ambulances pick up dead babies from streets and garbage dumps in many parts of the country. Some of the infants have been strangled to death, others burnt, starved and even stoned — most with their umbilical cord still intact.<sup>994</sup>

In an article dated 20 August 2017 Dawn news reported that:

The fact that the majority of babies recovered from garbage dumps are girls, the fact that most of the babies left in Edhi cradles, hospitals and maternity clinics are girls, the fact that less girls are born in Pakistan than boys and the fact that the primary and secondary school participation of girls is small in number in contrast to boys, is not just mere coincidence. [...]

Pakistan's sex ratio at birth (SRB) is fairly skewed. Typically the sex ratio at birth usually oscillates around 105 male births per 100 female births. In Pakistan, it is estimated to be 109. In other words, around 110 male births per 100 female births; this is close to India which is infamous for sex-selective abortions.

An in-depth analysis of the data from all five censuses conducted in Pakistan since 1951 also reveals that the male population has constantly dominated female population in numbers. As of the 1998 census, Pakistan's overall sex ratio was 108.5 males per 100 females or 925 girl babies per 1,000 boy babies. When classified further, the distortion is found worse in Balochistan (114.6) and Sindh (112.2). [...]

Somewhat similar to female foeticide is female infanticide, when parents neglect their female child deliberately and let them die (of starvation or thirst), resulting in their premature deaths.

Researchers have observed higher rates of malnutrition in girls because of being weaned off breast milk earlier, either to feed the baby boy or in trying to get pregnant again in pursuit of a male child. This denial of breast milk/ sufficient food often results in the loss of many innocent lives.<sup>995</sup>

## 8.4 Birth registration

The US State Department's 2016 Country Report on Human Rights Practices published on 3 March 2017 noted that:

Citizenship is derived by birth in the country, although for children born abroad after 2000, citizenship may be derived by descent if either the mother or the father is a citizen and the child is registered with the proper authorities (see section 2.d.). 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.<sup>996</sup>

UNICEF noted in its 2016 Pakistan Annual Report covering events in 2016 that:

---

<sup>993</sup> Daily Pakistan, [Newborn girl left to die on street in Karachi](#), 8 April 2017

<sup>994</sup> Dawn, [Killing female infants](#), 10 May 2017

<sup>995</sup> Dawn, [No country for girls](#), 20 August 2017

<sup>996</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017



UNICEF's annual report on Pakistan cited figures from the Pakistan Demographic and Health Survey 2012–2013 that noted that “only 34% of Pakistani children under five years of age are registered at birth – only five per cent amongst the poorest”. [...]

Only a third of Pakistani children under five are registered and, amongst the poorest and most marginalized, this figure drops to 5 per cent. Children born to non-Pakistani parents are not registered at all. As a result, access and service delivery to the most marginalized children is significantly hampered.<sup>997</sup>

Dawn news reported on 16 February 2017 that:

According to official estimates, nearly 10 million children below five years are unregistered, with the figure growing by nearly 3m every year. Courts inevitably posit the burden of proof on juvenile offenders who are not accorded any benefit of doubt. Since a majority of those facing arrest lack any form of official documentation, they are placed in a virtually impossible situation.<sup>998</sup>

On 27 March 2017, the Express Tribune reported that:

The birth of a child within the territory of Pakistan does not, automatically, vest legal identity or citizenship in the newly born. As in other jurisdictions, the law lays down the modalities for the registration of births and the ascription of legal identity to a child. What is alarming, rather, is that only 34% of children under the age of five in Pakistan are registered (Unicef Birth registration report 2013-2015). The state then has no record of nearly 10 million children under the age of five born in our country. [...]

The denial of this right to legal recognition, perniciously feeds into a vicious cycle of rejection and exclusion of a child from other guaranteed rights, protections and benefits. The absence of a birth certificate, in several cases, means the denial of an education and inaccessibility to free healthcare, which then come to have a direct bearing on a child's future economic prospects and the quality of his life. An unregistered child is also more vulnerable to coercion and exploitation. Without proof of age, a child may be denied the minimum protections provided under our law against child labour and, as seen in several cases, against child marriages. The absence of such proof can also lead to travesties of justice as seen in the case of Shafqat Hussain, who was hanged to death for a crime he committed when he was arguably a minor.

[...] Unregistered children are in most cases the children of poor and uneducated parents, unaware of the imperative of registration, and the consequences that failure to do so may entail. Non-registration of births is then a problem of lack of awareness. It is also a problem of accessibility. Unregistered births are higher in rural areas, where access to the administrative machinery responsible for registration of childbirths is more cumbersome or nearly impossible. The fact that nearly 50% of births in Pakistan take place at home compounds this problem of accessibility. The administrative machinery entrusted with the task of birth registration is also faulty. The local government offices, responsible for registering births, lack the capacity to one, reach out to areas, where the incidence of unregistered births is most severe, and two, to handle the technicalities of the birth registration process. The system also de-incentivises late registration. The requirement of age verification by medical superintendents, at often ill-equipped and under-staffed government hospitals, means that many individuals, who apply for late birth registration, are, for no fault of their own, unable to secure the necessary documentation for registration.<sup>999</sup>

---

<sup>997</sup> UNICEF, [Pakistan Annual Report 2016](#), 21 June 2017, p31

<sup>998</sup> Dawn, [Executing Children](#), 16 February 2017

<sup>999</sup> The Express Tribune, [Unregistered Children](#), 27 March 2017

Justice Project Pakistan (JPP), Reprieve and World Organisation Against Torture (OMCT), Pakistan: Alternative Report to the Committee Against Torture noted in an April 2017 report that “only 27 percent of births are registered in Pakistan. This number drops to 23 percent in rural areas.”<sup>1000</sup>

Amnesty International noted in a submission to the UN Human Rights Committee dated 2 June 2017 that:

Pakistan has one of the lowest birth registration rates in the world. Children who come into conflict with the law therefore often do not have reliable documentary evidence to prove their age.<sup>1001</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned at the very low level of birth registration and often delayed registration, particularly in Balochistan, which seriously limits the ability of those persons without birth certificates to enjoy their economic, social and cultural rights (art. 10).<sup>1002</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned, despite the efforts made by the State party, by the low level of birth registration, which has adverse consequences for children.<sup>1003</sup>

The UN Human Rights Council presented stakeholders’ submissions on 23 August 2017:

JS8 [Child Rights Movement] recommended taking legal and administrative measures to remove obstacles to birth registration, particularly for vulnerable children in society, e.g. sex workers’ children, children in street situations, children with variant abilities and orphans, and harmonizing laws related to birth registration across the country.<sup>1004</sup>

The UN Human Rights Council noted on 4 September 2017 that:

The same Committee [The Committee on the Rights of the Child] remained concerned that only approximately 30 per cent of children were registered at birth. It was particularly concerned about the complicated procedures and high fees for birth registration and 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.<sup>1005</sup>

### Efforts to improve birth registration

---

<sup>1000</sup> Justice Project Pakistan (JPP), Reprieve and World Organisation Against Torture (OMCT), [Pakistan: Alternative Report to the Committee Against Torture](#), April 2017, p15

<sup>1001</sup> Amnesty International, [Submission to the UN Human Rights Committee, 120<sup>th</sup> session, 3-28 July 2017](#), 2 June 2017, p8

<sup>1002</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 61

<sup>1003</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 43

<sup>1004</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, para 92

<sup>1005</sup> UN Human Rights Council, [Compilation on Pakistan](#), 4 September 2017, para 85

On 1 October 2016, Pakistani news agency The News reported that:

The Sindh local government department, in partnership with Unicef, launched a digital birth registration project on Friday to upscale the registration of children as a measure of safeguarding their basic right to identity.<sup>1006</sup>

The UN Children's Fund noted on 18 July 2017 that:

In birth registration, the goal is that, by 2022, 65 per cent of girls and boys under the age of 5 years will be registered, with universal birth registration achieved and embedded within a civil registration and vital statistics system in at least two provinces. UNICEF will support the implementation of a regional action framework to achieve that goal, including the development of a comprehensive national strategy.<sup>1007</sup>

On 11 November 2017 Dawn news reported that:

Pakpattan has become the first district of Punjab to launch digital birth registration programme under the district chapter of the Local Government and Community Development Department [...]

The local government department has collaborated on the programme with the United Nations Children's Fund (Unicef) and the European telecom company. The purpose was to achieve universal birth registration for children in Punjab. The programme is believed to host live data flows of birth registration applications and has initially been launched in Pakpattan and Bahawalpur.<sup>1008</sup>

The Pakistan news agency, The News, reported on 5 May, 2017 that:

Plan International Pakistan has launched an innovative new project to increase birth registration in Pakistan through the use of mobile phone technology. [...] Zahid Jalbani, Project Manager DBR, Plan International briefed participants on the background of the project and shared that Pakistan has 27 % birth registration rate according to Unicef's state of the Children report 2011. He informed that the new DBR solution aims to replace old manual system with a digital civil registration database and an increase in the birth registration rates to up to 80% by 2018 in target districts.<sup>1009</sup>

UNICEF reported in January 2018 that:

Federally Administered Tribal Areas (FATA) of Pakistan is one of those regions where children are at risk of not having access to their rights; as birth registration rate in FATA is only one per cent. [...]

To support the FATA Secretariat, UNICEF initiated a pilot birth registration exercise in Bara District of Khyber Agency in early 2016. National Database and Registration Authority (NADRA) was taken on board to allocate resources and initiate formal birth registration process. The activity was successfully conducted in selected districts from three agencies of FATA; Khyber, Mohmand and Bajaur.

Taking efforts forward, and having received an overwhelming response from the community, NADRA established a dedicated Birth Registration Unit in Bara district, in April 2017. The unit has so far received 103,813 application forms, duly filled and verified, of which approximately 14,000 children have also been issued their birth certificates.<sup>1010</sup>

---

<sup>1006</sup> The News, [Sindh, Unicef launch digital birth registration project](#), 1 October 2016

<sup>1007</sup> UN Children's Fund, [Country programme document: Pakistan](#), 18 July 2017, para 37

<sup>1008</sup> Dawn, [Digital birth registration launched](#), 11 November 2017

<sup>1009</sup> The News, [Project launched to boost birth registration through mobile phone](#), 5 May, 2017

<sup>1010</sup> UNICEF, [Count Every Child, Because Every Child Counts...](#), January 2018

## 8.5 Trafficking of children / child labour / sale of children / debt bondage

### Legislative Framework

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) explained in an April 2017 report that:

The Constitution of Pakistan provides a range of provisions with regards to workers' rights in Part II: Fundamental Rights and Principles of Policy.

- Article 11 prohibits all forms of slavery, forced labour and child labour [...]
- Article 37(e) makes provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.<sup>1011</sup>

SPARC's 2016 annual report, published 3 May 2017, noted that "There are a number of national laws in Pakistan which would prohibit child labour, and provide regulations to ensure that working conditions for children and adolescents are safe and within standard practices". The report went on to note in detail the national legislation:

The Employment of Children Act, 1991

The Bonded Labour System Abolition Act, 1992

The Factories Act, 1934

The West Pakistan Shops and Establishments Ordinance, 1969.<sup>1012</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and the Society for the Protection of the Rights of the Child (SPARC) produced a shadow report in March 2017 and noted that:

Pakistan has ratified ILO Minimum Age Convention and most labour laws have set the minimum age at 14 years. However, various federal and provincial laws related to employment of children do not apply to domestic labour and labour in the informal sector and do therefore not set a minimum age for domestic labour. The Constitution of Pakistan prohibits employment of children below the age of fourteen 'in any factory or mine or any hazardous employment'. But none of the laws prohibiting child labour categorises domestic child labour as 'hazardous'.<sup>1013</sup>

The US State Department's 2017 Country Report on Human Rights Practices stated that:

The constitution expressly prohibits the employment of children below age 14 in any factory, mine, or other hazardous site. The national law for the employment of children sets the minimum age for hazardous work at 15, an age not in compliance with international standards. The national law establishes 15 as the minimum age for employment, although the law's age limit does not extend to informal employment. 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 it specifies they should receive one day off per week. Additionally, the law requires employers to keep a register of child workers for labor

---

<sup>1011</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p6

<sup>1012</sup> SPARC, [The State of Pakistan's Children 2016](#), 3 May 2016, p121-122

<sup>1013</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p31-32

inspectors to verify. These prohibitions and regulations, however, do not apply to home-based businesses.

On January 26, Sindh Province adopted the Prohibition of Employment of Children Bill that bars children under 15 from employment and establishes 19 as the minimum age for employment in hazardous work. It penalizes perpetrators with six months' imprisonment and a fine of 50,000 rupees (\$450) or, in the case of dangerous workplaces, three years' imprisonment and a fine of 100,000 rupees (\$900). Other provinces also passed legislation during the year on child labor and child protection, and all four provinces dedicated resources to address child labor practices.

Federal law prohibits the exploitation of children younger than 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 law makes bonded labor of children punishable by up to five years in prison and 50,000 rupees (\$450) in fines. The government prohibited the employment of children under 15 in hazardous work, including four occupations and 34 processes, such as 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.

Coordination of responses to child labor problems at the national level remained ineffective. Coordination of child labor problems at the national level remained ineffective. [...]

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.<sup>1014</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned that the minimum age for labour is set at 14 years while the Constitution guarantees free compulsory education up to 16 years of age. It is also concerned that, according to official data, over 2 million children aged between 10 and 14 years are working and that 28 per cent of them are engaged in hazardous work. Moreover, most of these children are out of school. It is further concerned at the working conditions of children, most of whom work in agriculture, with brick kilns, in coal mining, in the street and in domestic settings, and at the high risk faced by these children of exposure to sexual and economic exploitation (arts. 7, 10 and 13-14).<sup>1015</sup>

Amnesty International noted in a submission published 1 June 2017 that:

Provincial and federal assemblies have recently adopted new laws against [...] child labour. However, there remain significant gaps in the legal recognition and protection of several Covenant rights. [...] children [...] continue to face barriers in the realization of their rights.<sup>1016</sup>

The constitution of Pakistan does not include all economic, social and cultural rights under the chapter on "Fundamental Rights", meaning not all are enforceable in Court. Article 11 of the constitution prohibits "slavery" and "forced labour." The same article forbids the employment of "a child below the age of fourteen years" in "any factory or mine or any other hazardous employment."<sup>1017</sup>

On 22 November 2017, the Asian Human Rights Commission reported that:

---

<sup>1014</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6

<sup>1015</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 63

<sup>1016</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p4

<sup>1017</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p7

Article 11(3), Article 25(A) and Article 37(e) make provisions against child labour. However, due to lack of framework and non-enforceability of the existing legislation, child labour and employment of children in hazardous occupations continues unabated and unchecked. [...]

According to Employment of Children Act 1991 a “child” is categorized as a person below 14 years of age and an “adolescent” is below 18 years of age. The Constitution of Pakistan also regards the minimum work age as 14 years. However, the 18th Amendment has actually raised the minimum age up to 16 years without amending the labour laws. This has increased the contradiction. Article 25(A) of the Constitution says that the State now has to provide compulsory education for all children between the ages of five and sixteen years. This means that a child cannot be allowed to work before 16 years of age. There are certain exceptions to this Law. It says clearly that no child may be employed in any occupation which is hazardous for children except the family business or in any (training) school established, assisted and recognized by the Government.<sup>1018</sup>

The US State Department reported on preventative measures taken in its Trafficking in Persons report covering events in 2016:

Punjab expanded its multi-year project to eliminate child and bonded labor to include additional districts. In addition, Punjab reported, after passing a law criminalizing child labor under age 14 at brick kilns in 2016, it initiated 871 investigations, 819 prosecutions, and 24 convictions for child labor violations and identified and removed approximately 79,000 children working in brick kilns and admitted them to school. Punjab prosecuted 3,989 brick kiln owners for lack of compliance with labor laws, including non-payment and illegal deductions from wages, and imposed fines totaling 5.1 million PKR (\$49,060). Punjab also established a hotline to report child labor in brick kilns and issued identification documents to brick kiln workers and their families, which allowed them to access government benefits and reduced the probability of subjection to trafficking. The provincial governments of Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh funded and implemented multi-year programs focused on combating the worst forms of child labor and other labor abuses. [...]

The province of Sindh adopted a law prohibiting bonded labor and both the Sindh and Punjab provincial governments passed legislation criminalizing child sex trafficking and forced labor with sufficiently stringent sentences. In November 2016, the province of Balochistan passed legislation establishing District Child Protection Units, charged with providing case management and ensuring abused children including trafficking victims, receive appropriate government services. [...] Punjab reported it identified and removed approximately 79,000 children working in brick kilns, some of whom may have been victims of bonded labor.<sup>1019</sup>

SPARC’s 2016 annual report, published 3 May 2017 sets out the federal and provincial legislation on child trafficking and abduction.<sup>1020</sup>

### Prevalence

The US State Department’s 2017 Country Report on Human Rights Practices stated that:

Due to weak government enforcement of child labor laws, child labor remained pervasive, with many children working in agriculture and domestic work.

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.<sup>1021</sup>

---

<sup>1018</sup> Asian Human Rights Commission, [Universal Children’s Day- denied fundamental rights children suffer from State neglect](#), 22 November 2017

<sup>1019</sup> US State Department, [2017 Trafficking in Persons Report](#), 27 June 2017

<sup>1020</sup> SPARC, [The State of Pakistan’s Children 2016](#), 3 May 2016, p57

<sup>1021</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section



The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

There are no official national statistics on underage employment in the country as the last (and only) National Child Labour Survey was conducted in 1996 which estimated that there were 3.3 million child labourers in the country. Recent estimates indicate that 11 to 12 million children, half of them below the age of 10, are employed as child labourers across the country.<sup>1022</sup>

The Asian Human Rights Commission reported on 13 June 2017 that:

Child labour continues unabated in the country, due to conflicting laws and lack of political will. Pakistan was ranked third on the Global Slavery Index 2016, for the second time in a row, with an estimated 2,134,900 people trapped in slavery. Meanwhile, although the International Labour Organization reports a decline throughout the world in the number of underage workers, Pakistan remains in the third spot with the highest prevalence of child and forced labour. [...] Children are most often employed in agriculture, manufacturing or service sectors as domestic help, and are forced to work under precarious and hazardous conditions that are detrimental to their physical, psychological and mental well being.<sup>1023</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned [...] by the high number of children engaged in labour under hazardous and slavery-like conditions, particularly in the brick kiln industry and domestic settings, and the insufficient labour inspections of child labour. It is also concerned that perpetrators are rarely brought to justice and victims do not receive adequate assistance and rehabilitation services (arts. 2, 6, 7, 8, 24 and 26).<sup>1024</sup>

On 22 November 2017, the Asian Human Rights Commission reported that:

In 2016, the Federal Bureau of Statistics released the results of its survey funded by ILO's IPEC (International Program on the Elimination of Child Labour). The findings follow: 3.8 million children in the age group of 5-14 years are working in Pakistan out of total 40 million children; 50 % of these economically active children are in the age group of 5 to 9 years. Of these 3.8 million economically active children, 2.7 million were claimed to be working in the agricultural sector. Two million and four hundred thousand (73%) of them were said to be boys. There are no official statistics available on the number of underage Domestic Helpers currently employed or economically active in the country. The last National Child Labour Survey was conducted in 1996 which estimated the number to be 3.3 million. The only statistics available are from SPRC. According to the organization's 2015 Annual Report, there are 264,000 underage Domestic Workers facing cruel and unsafe working environments.<sup>1025</sup>

The Asian Legal Resource Centre reported on 27 February 2018 that:

---

<sup>1022</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [\*The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights\*](#), April 2017, p14

<sup>1023</sup> Asian Human Rights Commission, [\*Pakistan: World Day Against Child Labour-Ending child labour requires measures to end poverty\*](#), 13 June 2017

<sup>1024</sup> UN Human Rights Committee, [\*International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan\*](#), 23 August 2017, paragraph 43

<sup>1025</sup> Asian Human Rights Commission, [\*Universal Children's Day- denied fundamental rights children suffer from State neglect\*](#), 22 November 2017

Child labour continues unabated in the country, due to conflicting laws and lack of political will. Pakistan was ranked third on the Global Slavery Index 2016, for the second time in a row, with an estimated 2,134,900 people trapped in slavery. Meanwhile, although the International Labour Organization reports a decline throughout the world in the number of underage workers. Pakistan has no comprehensive child labour law, but the Constitution under articles 3, 11(3), 25(3) and 35 prohibits employment of underage children, while stipulating that the rights of the child shall be protected by the state. Further, Article 37(e) stipulates that the state shall “make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex”. Pakistan has ratified the UN Convention on the Rights of the Child in 1990, but has not enacted any enabling legislation since then, to make its provisions into domestic law. For this reason, the Convention cannot be directly applied in the courts.<sup>1026</sup>

### Types of child labour/ trafficking/ bondage

The US State Department’s 2017 Country Report on Human Rights Practices stated that:

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.

Local authorities subjected children to harmful traditional practices, treating girls as chattel to settle disputes and 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. [...]

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. In 2012 researchers estimated there were two million bonded laborers, many of whom included entire families with children. Children also reportedly worked in the production of incense, cotton, wheat, textiles, tobacco, sugarcane, and gemstones and in stone crushing.

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.

Children also were kidnapped or sold into organized begging rings, domestic servitude, militants and gangs, and child sex trafficking.<sup>1027</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

Child Labour in Pakistan, ranges from light work to more serious and hazardous work and exists in a number of sectors with varying degrees of prevalence. Most child labour is informal sector, mainly agriculture and domestic labour, but can also be found in many manufacturing processes and industries as well. Child labour in Pakistan is manifested in various forms, some more exploitative than others but each affecting a child’s capacity to live a stable physical and emotional life. The more extreme forms of child labour involve children being employed in conditions of slavery where they are forced to work in life threatening conditions. These forms of underage employment are practiced in brick kilns, farms, coal mines, streets, and homes (domestic servitude), all of which fall in the informal economic sector

---

<sup>1026</sup> Asian Legal Resource Centre, [Pakistan: Rising violence against children](#), 27 February 2018

<sup>1027</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Sections 6 and 7

which remains unmonitored by state authorities, allowing employers to capitalize on children's poverty. Children are also self-employed as shoe polishers, rag pickers, street vendors and car washers.<sup>1028</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

Child domestic workers are hired by dubious 'employers' from rural areas and taken to work in cities to work in the homes of middle and upper middle class families. There is no formal employment contract, and arrangements are made informally between the employers and the child's family. In majority of the cases, the work performed by child domestic labourers is not counted as child labour. This is especially the case when children accompany their domestic worker parents (especially mothers) to their workplace. These children may be asked to perform menial tasks which may become more labour intensive and complex as the age of the child increases: in many cases these children have their career marked out for them and they adopt their parental profession after the latter become old.

Apart from economic exploitation, child domestic workers are often exposed to cruel and unsafe working environments where they are frequently subjected to physical and psychological violence. In this regard, it is very common for employers to delay a child domestic labourer's monthly pay or prevent him/her from visiting his/her parents and family. Furthermore, underage workers in homes are often subjected to sexual and physical abuse in which both adults and children emerge as perpetrators. [...] In fact, incidents of violence against child domestic workers rise every year.<sup>1029</sup>

The US State Department noted in its 2017 Trafficking in Persons report published in June 2017 that:

As reported over the last five years, Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The country's largest human trafficking problem is bonded labor, in which an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for generations. Bonded labor is concentrated in Sindh and Punjab provinces, but also occurs in Balochistan and Khyber Pakhtunkhwa provinces, in agriculture and brick-making and, to a lesser extent, in fisheries, mining, and handicraft- and carpet-making. Some feudal landlords and brick kiln owners affiliated with political parties use their influence to protect their involvement in bonded labor. Children are bought, sold, rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns, and sex trafficking. Begging ringmasters sometimes maim children to earn more money. 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.<sup>1030</sup>

Save the Children noted in a news report dated 15 August 2017 that:

Pakistan is considered the fourth largest producer of cotton in the world, with it being responsible for 9% of the total global cotton production. But regrettably, children as young as 10 years in Pakistan have been forced to pick cotton under appalling conditions each harvest season. Children, particularly girls, usually work whole day during the sowing and picking seasons. As per a recent survey conducted by Save the Children in two cotton growing districts, child labour frequency rate in District Shaheed Benazirabad, Sindh is 50% and in District Lodhran, Punjab is 43%.<sup>1031</sup>

---

<sup>1028</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p14

<sup>1029</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p16

<sup>1030</sup> US State Department, [2017 Trafficking in Persons Report](#), 27 June 2017

<sup>1031</sup> Save the Children, [From Cotton Fields to School](#), 15 August 2017

The UN Human Rights Council noted in a report summarising stakeholders' submissions, published in August 2017 that:

JS2 [ECPAT International and Pakistan Paediatric Association] reported that children working in small hotels, restaurants and in the deep-sea fishing and transport industries were among the most susceptible to sexual exploitation. Unlike female prostitution, the sexual exploitation of boys was more visible. More freedom of movement allowed to boys put them at higher risk. [...]

JS2 [ECPAT International and Pakistan Paediatric Association] noted that most children were trafficked domestically, mainly from rural and other poor areas to urban areas.<sup>1032</sup>

ECPAT noted in a September 2017 report that "In Pakistan, child sex trafficking to the Gulf States affects girls as young as 10. Demand for children includes use in the commercial sex industry, pornography, slavery and servitude, removal of organs, adoption and child labour, including domestic work. Child labour, trafficking and prostitution may be an inescapable trap when children and their families are indebted, turning victims into slaves".<sup>1033</sup> The same September 2017 ECPAT report further noted that:

Bonded labour is the main engine for human trafficking in Pakistan. The practise, according to which bonded labourers attempting to escape or seeking legal redress are often returned by the police to the landlord, who hold them in private jails, seems to continue. Normally, children are trafficked from rural and other poor areas, and further to medium and large-sized towns. Children are bought, sold, rented, or kidnapped and placed in organised prostitution and forced labour, especially in begging rings, domestic servitude, small shops and brick kilns. Boys are reportedly involved in sex trafficking around hotels, truck stops, bus stations and shrines. Girls and women are sold into forced marriages to men who, in some cases, prostitute them in Iran or Afghanistan. In March 2016, the parliament approved child protection legislation encompassing specific provisions prohibiting trafficking in persons, while the Minister of Interior approved a national strategic framework against trafficking in persons and human smuggling.<sup>1034</sup>

SPARC reported on 7 December 2017 that:

During the independent child labour survey in District Haripur, by SPARC it was discovered that many children were working under hazardous circumstances in industries and establishments with an average of 12 hours of daily work for a remuneration as small as Rs 50-Rs 100 (daily). Furthermore, 86% of these children were school dropouts and 56% children had no interest in continuing their studies due to multiple reasons such as; corporal punishment, and poverty.<sup>1035</sup>

### Abuse of child domestic workers

The Asian Human Rights Commission reported on 13 June 2017 that:

According to SPARC's Annual Report on the State of Pakistan's Children, 2015, there are 264,000 underage domestic workers experiencing cruel and unsafe working environments. They are often left to the mercy of their employers who routinely subject them to physical and psychological abuse, exploitation, and violence. In 2013, 13 children died as a result of violence at their work place, in addition to 21 cases of physical torture by employers.

The plight of child domestic workers is alarming in all four provinces in the country, and cases of torture are often noticed in the upper segments of society, where children are often coerced into working

---

<sup>1032</sup> UN Human Rights Council, [Summary of Stakeholders' submissions on Pakistan](#), 23 August 2017, paras 94 & 96

<sup>1033</sup> ECPAT International, [Regional Overview: Combating the sexual exploitation of children in South Asia. Evolving trends, existing responses and future priorities, September 2017](#), p53

<sup>1034</sup> ECPAT International, [Regional Overview: Combating the sexual exploitation of children in South Asia. Evolving trends, existing responses and future priorities, September 2017](#), p55

<sup>1035</sup> SPARC, [Seminar on Child Labour and Children in Modern Day Slavery](#), 7 December 2017

against their wishes. The torturers are often highly educated and belonging to upper or upper middleclass. Each year many cases of domestic worker's abuse are reported in the media where an underage child worker is beaten to death or injured.<sup>1036</sup>

On 14 July 2017, the Asian Human Rights Commission reported that:

On 12 June 2017, Pakistan's print and electronic media was abuzz with the murder of a teenager serving a politically influential family in Lahore. Master Akther was reportedly tortured to death by his employer Fauzia, who is the daughter of provincial legislator Ms. Shah Jahan, belonging to the ruling party, PML-N. [...]

This is the third reported case of child domestic abuse in Pakistan this year, although many cases go unreported. A judge and his wife were charged earlier this year for torturing their child servant. The case is pending in court at present, with the girl's parents agreeing to an out of court settlement.<sup>1037</sup>

SPARC reported in December 2016 that:

[...] Tayyaba is 10 years old. She has been working at Mr Khurram's house for the last year as a domestic child worker and that she belongs to Daira Ghazi Khan. The team was told that Mrs. Khurram had beaten the girl with the help of her other two maids upon suspicion of theft in the house.

Tayyaba was punished on this pretext and deprived of food for 4 days. She was also kept on the terrace without any quilt and left in the cold. The neighbor reported that they heard her weeping from the terrace, and upon asking her learned that she was wounded and hungry. The neighbors gave her some food and a quilt. They helped her for four days, after which she disappeared from the terrace on the fifth day.<sup>1038</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and SPARC noted in their March 2017 shadow report that:

A serious concern is child labor and in particular the exploitation of girls and boys as domestic workers in slave-like conditions. [...] It is estimated that there are more than 12 million children who are involved in labor, many of them in slave-like conditions.

In most instances, children are trafficked from rural areas to larger cities to serve in well-off families. Their impoverished parents are promising a lump sum or a monthly salary. The mode of sending children as domestic help is sometimes similar to bondage, where a child is forced into a life of servitude after the parents virtually sell the child for a meagre sum.<sup>1039</sup>

### Minority groups

In October 2016, Minority Rights Group reported an incident which took place in Sukkur district in August 2016:

A Hindu couple and their two children worked as bonded labourers for a Muslim landlord, forced to perform both agricultural and domestic labour. The landlord – allegedly angered on account of one of the children refusing to complete a task – accused him of stealing, declared this would make permanent the family's indentured servitude.

---

<sup>1036</sup> Asian Human Rights Commission, [Pakistan: World Day Against Child Labour-Ending child labour requires measures to end poverty](#), 13 June 2017

<sup>1037</sup> Asian Human Rights Commission, [Pakistan: Prosecute assembly member's family for murder of child helper](#), 14 July 2017

<sup>1038</sup> SPARC, [Domestic Child Maid Tayyaba Tortured by Employer](#), 29 December 2016

<sup>1039</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017, p31-32

Bonded labour is a form of modern-day slavery and is among the most pressing human rights issues in Pakistan. Nearly 2.3 million people work in bondage, the third highest number after India and China, and according to some estimates over 80 per cent of these labourers are Hindus.<sup>1040</sup>

The Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and SPARC noted in their March 2017 shadow report that:

There are reportedly between three to eight million bonded labourers in Pakistan, with the majority in Sindh and Punjab provinces. [...] There have also reportedly been cases where Hindu children have been bought, sold, rented, or kidnapped to work in illegal begging rings, domestic servitude, or agriculture as bonded labourers.<sup>1041</sup>

### Government action

SPARC's 2016 annual report stated that:

The country's largest human trafficking problem is bonded labor, in which an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for generations.

[...] The Federal Investigation Agency (FIA) arrested 913 proclaimed offenders, 33 most wanted human traffickers, 179 court absconders and 1884 individuals for their suspected involvement in human smuggling and trafficking activities since November 2015.<sup>1042</sup>

The Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR) noted in an April 2017 report that:

Underage domestic labourers of children remain unrecognized and unprotected. Starting from January 2010 to September 2013, about 44 cases of torture on Child Domestic Labourers were reported in the media. There are 24 cases in which Child Domestic Labours died due to severe torture inflicted upon them by their employers. Track record of these cases has shown that situation as a whole is alarming, where general acceptance of internal trafficking, severe torture, abuse and exploitation, forced labour, slavery and murder of helpless and innocent child domestic labours persists in the society.<sup>1043</sup>

The UN Committee Against Torture reported on 15 November 2017 that:

The Committee is concerned that despite the efforts carried out by the government consistent reports refer to high levels on trafficking in persons for sexual exploitation and forced or bonded labour, including exploitation of children as domestic workers in slave like conditions (arts. 2, 12, 14 and 16).<sup>1044</sup>

Amnesty International noted in its annual report for Pakistan 2017/2018, published 22 February 2018, that:

The government failed to take action against those who held people in bonded labour in rural areas. The 1992 Bonded Labour Abolition Act was still not adequately enforced; reasons included a lack of

---

<sup>1040</sup> Minority Rights Group, [Selected rights violations against Hindus](#), October 2016, *Introduction*

<sup>1041</sup> Human Rights Commission of Pakistan (HRCP), World Organisation against Torture (OMCT) and Society for the Protection of the Rights of the Child (SPARC), [Shadow Report to the Committee against Torture on the Occasion of the Examination of the Initial Report of Pakistan at its 60th Session](#), March 2017 p53

<sup>1042</sup> SPARC, [The State of Pakistan's Children 2016](#), 3 May 2016, p56

<sup>1043</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights (ICECSR), [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p16

<sup>1044</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan](#), 15 April 2017



clarity regarding the law on the part of lower court judges and lack of action by police when complaints were filed.<sup>1045</sup>

## 8.6 Child abductions

The US State Department noted in their 2016 annual report on International Child Abductions that:

During 2016, Pakistan did not adhere to any protocols with respect to international parental child abduction. While Pakistan acceded to the Convention in 2016, it is not a treaty partner with the United States. As a result, there is no formal mechanism for resolving cases under the Convention at this time. Pakistan was cited for non-compliance in the 2015 and 2016 reports.<sup>1046</sup>

The same source provided the following table<sup>1047</sup>:

	2015	2016
Abduction Cases Open at the start of the year	26	23
New Reported Abductions	6	7
Total Abduction Cases	32	30
Reported Abductions Resolved During the Year	0	6 (20%)
Reported Abductions Closed During the Year	9	1 (3%)
Reported Abductions Still Open at the End of the Year	23	23 (77%)

The same US State Department report further noted that:

In 2016, three abduction cases were resolved through voluntary means.  
[...] The United States is not aware of any abduction cases brought before the Pakistani judiciary in 2016.<sup>1048</sup>

On 13 November 2016, Minority Rights Group issued a report drawing attention to the forced disappearances of Dalit young girls:

We are especially concerned at reports from human rights defenders in Pakistan stating that many of these violations have escalated since the last review in 2012, drawing particular attention to the issue of forced conversions and kidnapping of young Dalit girls and women.<sup>1049</sup>

In January 2017, the Pakistani NGO SPARC cited reports of children who had been abducted. SPARC reported an abduction on 20 January 2017 of “a 6 year old girl Tooba was recovered from a drain tunnel near Korangi Crossing, in almost lifeless condition, with deep knife cut on throat and on both the hands on 20 January 2017”.<sup>1050</sup> On 22 January 2017, SPARC reported that “A new born baby named Aakashhas been kidnapped the same day he was born, from Civil Hospital Hyderabad”.<sup>1051</sup>

On 25 March 2017, the Pakistani NGO Sahil reported that:

---

<sup>1045</sup> Amnesty International, [Pakistan 2017/2018](#), 22 February 2018

<sup>1046</sup> The US State Department, [Annual Report on International Child Abductions 2017](#), 15 April 2017, p96

<sup>1047</sup> The US State Department, [Annual Report on International Child Abductions 2017](#), 15 April 2017, p96

<sup>1048</sup> The US State Department, [Annual Report on International Child Abductions 2017](#), 15 April 2017, p96

<sup>1049</sup> Minority Rights Group, [Pakistan must act immediately to protect Dalits against forced disappearances, slavery and discrimination](#), 13 November 2016

<sup>1050</sup> SPARC, [6 Year Old Girl Found Nearly Lifeless in Drain](#), 20 January 2017

<sup>1051</sup> SPARC, [Newborn Baby Kidnapped on Day of Birth](#), Aakash - Fact Finding Report, 22-01-2017

This year a total 1229 cases of abduction have been reported in newspapers. Out of these cases, 81% victims were girls and 19% were boys.

The cases of murder after abduction and sexual abuse have increased as compared to the last year. Abduction and rape-murder cases have increased from 7 cases in 2016 to 15 cases in 2017. In this year 2017, total 143 cases of child marriages have been reported in newspapers. Out of the total cases, 89% were girls and 11% were boys.<sup>1052</sup>

Amnesty International noted in a submission dated 2 June 2017 that:

In January 2017, it emerged that the military courts had convicted at least five “missing persons”, whose cases were being investigated by the Inquiry Commission on Enforced Disappearances. In one such case, the family of the missing individual, Haider Ali, heard about him for the first time in six years, when an army press release announced that he had been found guilty and sentenced to death by a military court. The family maintained that Haider Ali was 14 when the Army arrested him. Haider’s family challenged the conviction in the Peshawar High Court, citing fair trial concerns and the fact that the accused had been a child when arrested. In October 2015, the Peshawar High Court ruled that his conviction had been lawful as the Army Act, 1952 superseded other laws, including the Juvenile Justice System Ordinance, 2000, which requires that children can only be tried in juvenile courts and cannot be penalized by death.<sup>1053</sup>

Dawn news has reported on a number of abductions of children. For example, on 4 August 2017, Dawn stated that “A seven-year-old abducted from Bahria Town Rawalpindi around a week ago has been returned to her parents, Rawalpindi police said on Friday [...] Police said the family had ransomed the girl for Rs1.5 million.”<sup>1054</sup>

Other examples include that on 15 October 2017, Dawn reported that “An eight-year-old boy, who had been abducted for ransom on Oct 8, was recovered by the police from Sariab Road area [Quetta] on Friday night. Two suspects were arrested”.<sup>1055</sup> On 6 January 2018, Dawn reported that “An eight-year-old girl has been missing in Road Kot since Thursday evening”.

The Asian Human Rights Commission reported on 7 September 2017 that “Among the latest disappeared persons are a 14 year-old child”.<sup>1056</sup>

The Asian Human Rights Commission (AHRC) reported on 10 November 2017 that:

A recent trend in disappearances is that involving minors. The AHRC has reported and documented two cases of enforced disappearances of minors in 2017. According to the list of missing persons, prepared by Voice of Baloch Missing Persons (VBMP), among those documented as missing 170 were children and women. In one instance, a schoolteacher, the mother of a one-year-old son, was picked up.<sup>1057</sup>

On 23 February 2018, Pakistan’s Hidden Shame posted an article that reported that:

On Tuesday, the 9th of January 2018, the body of a little eight year old girl named Zainab was found amongst a pile of garbage. Her parents reported her missing days before yet the police failed to take any effective action. [...] this is not an isolated case. Street children and children living in poverty

---

<sup>1052</sup> Sahil, [Cruel Numbers 2017](#), 25 March 2017, *Report Highlights*

<sup>1053</sup> Amnesty International, [Submission to the UN Human Rights Committee, 120<sup>th</sup> session, 3-28 July 2017](#), 2 June 2017, p11

<sup>1054</sup> Dawn, [7-year-old girl abducted from Bahria Town Rawalpindi returns home](#), 4 August 2017

<sup>1055</sup> Dawn, [Child kidnapped from Quetta recovered](#), 15 October 2017

<sup>1056</sup> Asian Human Rights Commission, [Pakistan: Missing Persons!](#) 7 September 2017

<sup>1057</sup> Asian Human Rights Commission, [Pakistan: Morality in the back burner as the LEA resorted to disappearing women and children](#), 10 November 2017

experience this every day without any promise of justice. Street children are abused, kidnapped and raped every single day.<sup>1058</sup>

The Pakistani NGO Sahil published a report on 25 March 2018 that compiled reports from 91 national and regional newspapers to document reported child abuse incidents. The report noted that:

Out of a total of 1229, cases of abduction are only 1039. In 2016, overall 694 cases more were recorded than in this year 2017. A total of 1229 cases of abduction have been reported including cases where abduction has led to rape/sodomy, gang rape/sodomy, and murders after sexual abuse. This shows that more than 3 children are being abducted every day.

Out of the 1229 reported cases of abduction, 81% victims were girls and 19% were boys.<sup>1059</sup>

## 9. Treatment of individuals of diverse SOGI

### Legislative framework

ILGA's 2017 annual report *State Sponsored Homophobia*, published in May 2017, outlined the legislation relevant to SOGI persons:

Penal Code (Act XLV of 1860).

Section 377. 'Unnatural offences' [AGAINST THE ORDER OF NATURE]

"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 a fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

Section 294. 'Obscene Acts and Songs' [OBSCENE ACTS]

"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."

Section 12 (Ordinance No. VII of 1979) [UNNATURAL LUST] This provision was amended in 1980 by an ordinance that raised the minimum punishment to ten years and a fine. Under Section 12 of the Hudood Ordinances, "Whoever kidnaps or abducts any person in order that such person may be subjected [...] to [...] unnatural lust [...] shall be punished with death or [...] imprisonment for a term which may extend to twenty-five years, and shall also be liable to a fine [...]"<sup>1060</sup>

On 21 September 2016 Human Rights Watch noted that:

Pakistani law includes provisions to protect the rights of transgender people. In 2009, like other courts in South Asia, Pakistan's Supreme Court called on all provincial governments to recognize the rights of transgender people. The judgment specifically called for improved police response to cases involving transgender people, and to ensure the right of transgender people to basic education, employment, and protection.<sup>1061</sup>

The UN Human Rights Council noted that:

---

<sup>1058</sup> Pakistan's Hidden Shame, [A single death is a tragedy; a million deaths is a statistic](#), 23 February 2018

<sup>1059</sup> Sahil, [Cruel Numbers 2017](#), 25 March 2018, *Data analysis of Abduction and CSA Cases 2017*, p28

<sup>1060</sup> ILGA, [State Sponsored Homophobia 2017](#), 12<sup>th</sup> edition, May 2017, p133-134

<sup>1061</sup> Human Rights Watch, [Pakistan's Rights Body Urges Transgender Attack Inquiry](#), 21 September 2016

The United Nations country team welcomed the announcement, following a court ruling, that transgender persons would be counted for the first time in the national census from March 2017. The Committee on Economic, Social and Cultural Rights recommended that Pakistan decriminalize same-sex relations between consenting adults and take the measures necessary to combat discrimination based on sexual orientation and gender identity. The Human Rights Committee made a similar recommendation.<sup>1062</sup>

On 10 August 2017, Pink News reported that:

A bill has been introduced in Pakistan which aims to protect transgender people. The legislation was introduced in the lower house in the conservative Muslim nation. The Transgender Persons (Protection of Rights) Bill was introduced by Naeema Kishwar on Tuesday. It seeks to extend equal rights to transgender people. It is the first time such legislation has been introduced in the country, according to local reports. The bill reads: “There is a need to safeguard rights of transgenders at par with other citizens and residents of the country”. “The Constitution of Pakistan explicitly provides, inter alia, the fundamental rights to life of liberty (Article 9), equality of citizen, (Article 25) and inviolability of dignity, safeguard to educational institutions in respect of education, protection of property, safeguard against discrimination in service,” it says. The bill goes on to say: “The transgender persons constitute one of the most marginalised and disadvantaged communities in the country. They face problems ranging from social exclusion to discrimination, lack of protection in their family, community and the society”. Earlier this year, Pakistan issued its first gender-neutral passport. The “third gender” passports will now be available for trans and non-binary people living in the country.<sup>1063</sup>

Right to Education reported on 17 November 2017 that:

Some of the most significant legislative steps taken recently have been seen in Chile and Pakistan, the latter being in the process of approving a private members’ bill for the protection and welfare of transgender people. The Transgender Persons (Protection of Rights) Act 2017 was drafted by the Pakistan National Commission on Human Rights, following broad consultation including with NGOs and civil society organisations and is intended to reflect the legal interpretation of international legal mechanisms. Amongst other areas of life, the Act specifically targets discrimination in education with the aim of preventing transgender children from missing out on or not completing their education.<sup>1064</sup>

On 26 December 2017, Pink News reported that:

Members of the transgender community in Pakistan have rejected a bill purporting to protect their rights, calling it “misleading”. The Senate Functional Committee on Human Rights recently passed The Transgender Persons (Protection of Rights) Bill 2017. But activists described the bill as “misleading and inaccurate according to international standards and the United Nations.” A spokesperson for the Chief Minister of Khyber Pakhtunkhwa’s special committee on trans rights said: “No doubt the passage of the bill is a landmark achievement, but the definition of transgender in it is misleading and inaccurate according to international standards and the UN.” “Provinces have to pass resolutions under Article 144 for the enactment of such a Bill but it is less likely to happen as three provinces are already drafting their own provincial bills,” he added.

---

<sup>1062</sup> UN Human Rights Council, [Compilation on Pakistan](#), 4 September 2017, para 14

<sup>1063</sup> Pink News, [Bill aims to protect trans people in Pakistan](#), 10 August 2017

<sup>1064</sup> Right to Education, [The right to education of transgender people](#), 17 November 2017

One activist, Nadeem Kashish, said: “One of the major flaws in the bill is that in 2012, the Supreme Court had ordered that no one should be given transgender identity without a chromosome test, but the Bill states otherwise”.<sup>1065</sup>

In its World Report 2018 covering events of 2017 published 18 January 2018, Human Rights Watch reported that:

In a series of steps toward legally recognizing gender identity, the first bill safeguarding the rights of transgender persons was introduced in parliament in August. The 2017 national census included for the first time a category for Khawaja Siras, or transgender women. However, many transgender rights activists disputed the government figures claiming it underrepresented the transgender population. In June, the Pakistan government issued the first passport with a transgender category. Pakistan’s penal code continued to criminalize same-sex conduct, placing men who have sex with men and transgender women at risk of police abuse and other violence and discrimination.<sup>1066</sup>

On 13 February 2018 Pink News reported that:

Legislators in Pakistan have approved a major reform to improve the lives of trans people. The Senate Functional Committee on Human Rights passed a string of proposed amendments to ‘The Transgender Persons (Protection of Rights) Bill, 2017’ Monday. Trans people will now be recognised as their gender without requiring consent from a medical board. They will also now have the same protections to dignity and security as other citizens of Pakistan. [...] Transgender people in Pakistan will now be defined as “any person whose gender identity and/or gender expression differs from the society norms and cultural expectations based on the sex they were assigned at the time of their birth”. The Council of Islamic Ideology (CII) was consulted about the Bill, who also agreed that a medical board was not needed to determine a person’s gender identity.<sup>1067</sup>

### Implementation of legislation and state treatment

Human Rights Watch noted in its submission to the Universal Periodic Review on Pakistan on 30 March 2017 that:

Human rights concerns in Pakistan include [...] a failure to protect the rights of women, girls and LGBT people. [...] Pakistan’s penal code continues to criminalize homosexuality, placing men who have sex with men at risk of police abuse and other violence and discrimination.<sup>1068</sup>

Regarding the death penalty, ILGA noted in its May 2017 annual report that:

Although its potential application by Shari’a courts in Pakistan, Afghanistan, the United Arab Emirates, Qatar and Mauritania, emits a chill factor, these States have less severe penalties encoded in their penal laws, and there appears to be no data to suggest the death penalty has been implemented in those States for consensual same-sex sexual acts between adults and in private.<sup>1069</sup>

ILGA’s 2017 annual report *State Sponsored Homophobia*, published in May 2017 noted that “Section 294 is reportedly often deployed to target male and trans sex workers”.<sup>1070</sup>

---

<sup>1065</sup> Pink News, [Trans community in Pakistan rejects ‘misleading’ trans rights bill](#), 26 December 2017

<sup>1066</sup> Human Rights Watch, [World Report 2018: Pakistan](#), 18 January 2018

<sup>1067</sup> Pink News, [Pakistan has changed the law so transgender people can be their gender without medical approval](#), 13 February 2018

<sup>1068</sup> Human Rights Watch, [Submission to the Universal Periodic Review of Pakistan: 28th session of the UPR](#), 30 March 2017

<sup>1069</sup> ILGA, [State Sponsored Homophobia 2017](#), 12<sup>th</sup> edition, May 2017, p8

<sup>1070</sup> ILGA, [State Sponsored Homophobia 2017](#), 12<sup>th</sup> edition, May 2017, p134

Freedom House's annual report, *Freedom in the World – Pakistan*, noted in May 2017 that:

Members of the transgender and intersex community are authorized to register for official documents under a "third gender" classification recognized by the Supreme Court in 2009. In a ruling in 2011, the court granted them the right to vote, enabling them to participate in the 2013 elections. Nonetheless, the LGBT (lesbian, gay, bisexual, and transgender) community are subject to societal and legal discrimination. The penal code prescribes prison terms for consensual sex "against the order of nature." Although prosecutions are rare, such laws deter LGBT people from acknowledging their orientation or reporting abuses. Transgender and intersex people face de facto discrimination in housing and employment. They are also refused inheritance rights. Many are forced into prostitution or to beg in order to survive.<sup>1071</sup>

The US State Department's 2017 Country Report on Human Rights Practices stated that:

Consensual same-sex sexual conduct is a criminal offense; however, the government rarely prosecuted cases. The penalty for same-sex relations is a fine, two years' to life imprisonment, or both. Lesbian, gay, bisexual, male transgender, and intersex persons rarely revealed their sexual orientation or gender identity. There were communities of openly transgender women, but they were marginalized and were frequently the targets of violence and harassment. Transgender women were marginalized and were frequently the targets of violence and harassment. No laws protect against discrimination on the basis of sexual orientation or gender identity. In 2013 the Pakistan Telecommunications Authority blocked the country's first online platform for the LGBTI community to share views and network, but social media pages working on LGBTI rights and related issues continued to function.<sup>1072</sup>

A Note by the Secretary General to the UN General Assembly on 19 July 2017 stated that:

While noting the criminal law impacting sexual orientation, a non-governmental source in Pakistan illustrated the varying context in the country, with measures from the authorities relating to gender identity, including the formation of a national task force by the federal ombudsman and a protection policy for transgender and intersex persons being drafted by the National Commission for Human Rights in cooperation with the transgender community.<sup>1073</sup>

The UN Committee on Social and Cultural Rights noted in a report dated 20 July 2017 that:

The Committee is concerned that same-sex relations between consenting adults is criminalized (art. 2). The Committee recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness and combat discrimination based on sexual orientation and gender identity.<sup>1074</sup>

Al Jazeera reported on 30 August 2017 that:

Transgender citizens were granted full inheritance rights by the Supreme Court in 2012, and the right to vote a year earlier.

"On one side, you have the Supreme Court rulings where transgenders are to get passports and CNICS, and on the other hand, police stations don't even have a special help desk for them," Rana Asif Habib, president of the Initiator Human Development Foundation (IHDF), told Al Jazeera.

---

<sup>1071</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), 19 May 2017, *F. Rule of Law*

<sup>1072</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, *Section 6, Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity*

<sup>1073</sup> UN General Assembly, [Protection against violence and discrimination based on sexual orientation and gender identity: Note by the Secretary-General](#), 19 July 2017, *P19-20, para 53 (I)*

<sup>1074</sup> UN Committee on Social and Cultural Rights, [Concluding observations on the initial report of Pakistan](#), 20 July 2017



"Most transgenders can't even file police reports because they don't have identification, and when they go to police stations they are teased ridiculed."

In June, the country issued its first third-gender passport to a transgender activist from the northern city of Peshawar.<sup>1075</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

While welcoming the information about progress made in the State party on the situation of intersex persons, the Committee regrets the absence of information from the delegation on effective measures to prevent and punish all forms of discriminations against lesbian, gay, bisexual, transgender and intersex persons (arts. 2, 3 and 26).<sup>1076</sup>

On 23 August 2017, the UN Human Rights Council published a summary of stakeholders' submissions on Pakistan, which noted that:

Joint Submission 7 (JS7) [The Sexual Rights Initiative, Rahnuma Family Planning Association of Pakistan on behalf of Right Here Right Now Alliance, Pakistan stated that, due to the criminalization of homosexuality in the Penal Code, LGBTIQ individuals were reluctant to reveal their sexual orientation and identity. The Supreme Court granted transgender people the right to vote and attain a National Identity Card in 2011, but this had not been translated into legal and policy remedies to guarantee their rights. Joint Submission 15 (JS15)<sup>1077</sup> reported that transgender people, in particular transgender women, faced harassment, mistreatment and exclusion from society.

Kaleidoscope Australia Human Rights Foundation (KHRF) recommended that Pakistan: decriminalise consensual same-sex sexual relations; introduce laws prohibiting discrimination on the basis of sexual orientation, gender identity and intersex status in all areas of public life; introduce legislation recognising the rights of same-sex couples, including the right to marry and parenting rights; and codify the recent fatwa recognising marriage, inheritance and funeral rights for transgender people into binding legislation.<sup>1078</sup>

### Societal treatment

76 crimes reported on 3 October 2016 that "In Pakistan, trans activist Didar was shot. She was rushed to the hospital, and her life is out of danger".<sup>1079</sup>

Radio Free Europe reported on 14 November 2016 that:

A harrowing video that shows a group of men beating a transgender woman is being shared widely on social networks in Pakistan, shining a spotlight on violence targeting the long-oppressed community. [...] The arrests on November 14 were made in the eastern city of Sialkot, in Punjab Province. Police said five of those arrested have been charged with torture and extortion, while the other five were under investigation. [...]

---

<sup>1075</sup> Al Jazeera, [Transgender people targeted in fatal Karachi attack](#), 30 August 2017

<sup>1076</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 11

<sup>1077</sup> Forum for Dignity Initiatives-FDI, Blue Veins. Forum for Dignity Initiatives, Dareecha Male Health Alliance, Dostana Male Health Alliance, GIA Foundation, Humraz Male Health Society, HYPE- Multan and Karachi Network, Khawaja Sira Society, NAZ Pakistan, Pireh Male Health Society, Sub Rang Society, Transaction, Wajood, Dr.Fahad Abbasi, Maya Zaman, and Inaya Zarakhel

<sup>1078</sup> UN Human Rights Council, [Summary of Stakeholders' submissions on Pakistan](#), 23 August 2017, paras 17-18

<sup>1079</sup> 76 crimes, [LGBTI briefs: Pakistan, Russia, Botswana, many more](#), 3 October 2016

TransAction, a local transgender rights group, posted a video interview with a transgender woman who identified herself as Julie and who said she was also abused and witnessed the attack.

"We were beaten up and gang raped all night," a visibly shaken Julie said in a video on Facebook. "They hit us with shoes, spat on our faces, and made us drink their urine," she added, while claiming that the torture continued for the entire night.

[...] Transgender people, known officially as "third gender" citizens in Pakistan – a group that includes cross-dressers, transsexuals, eunuchs, hermaphrodites, and transvestites – face widespread violence, intimidation, and abuse.

The community, estimated to number around 500,000, is known in the Urdu language as "hijras."

In recent years, the minority group has made groundbreaking gains in Pakistan, a deeply conservative country where ethnic, religious, and sexual minorities have often been victims of violence and persecution. Yet those gains have done little to hide the difficult life facing the third-gender citizens.<sup>1080</sup>

On 7 December 2016 Human Rights Watch reported that:

Transgender women are "among the disenfranchised and disadvantaged groups of people living in Pakistan," the resolution read, demanding that they should be "allowed to live their life with dignity." The resolution comes on the heels of persistent advocacy by TransAction-KP, a network of transgender activists in the province, to draw attention to the surge of attacks against transgender and intersex women in the province.

The attacks are horrific enough, but what happens after attacks can be just as terrible. When activists have sought police protection and medical treatment for injuries, hospital staff and police have failed to help victims and hold their attackers responsible. For example, in August, after assailants shot a transgender woman three times in the abdomen when she resisted their abduction and rape, the district hospital refused to admit her, saying they only have male and female wards. Police refused to register this case until transgender activists protested outside the hospital.<sup>1081</sup>

In its World Report 2017 covering events of 2016 Human Rights Watch reported that:

Pakistan's penal code criminalizes sexual behavior between men with possible life imprisonment. In 2009, Pakistan's Supreme Court called for improved police response to cases involving transgender people, and to ensure the rights of transgender people to basic education, employment, and protection. However, despite the court order, violent attacks on transgender and intersex women in Khyber Pakhtunkhwa province surged in 2016, with unknown assailants frequently targeting those involved in activism.

Official responses have been inadequate. Since January 2015, human rights groups in Khyber Pakhtunkhwa have recorded dozens of threats to, and attacks on, people and property, including abuses while in police custody. In a widely publicized case in May, Alisha, a 23-year-old transgender activist, was shot eight times in Peshawar, and died in hospital while staff debated whether to put her in the male or female ward. In September, the National Commission for Human Rights called on the government to investigate the attacks.<sup>1082</sup>

The US State Department's 2016 Country Report on Human Rights Practices stated that:

Violence and discrimination continued against LGBTI persons. Police generally refused to take action on cases involving members of the LGBTI community. In November a gang of 20 men in Sialkot assaulted and physically abused five transgender women. After a video of the attack appeared online and the transgender community protested, police arrested members of the gang. In April a transgender woman received delayed medical treatment in Peshawar following multiple gunshot wounds and later succumbed to her injuries. The provincial government launched an investigation

---

<sup>1080</sup> Radio Free Europe, ['Children Of A Lesser God?' Transgender Woman Targeted In Brutal Pakistan Attack](#), 14 November 2016

<sup>1081</sup> Human Rights Watch, [Pakistan Province Pushes Transgender Rights](#), 7 December 2016

<sup>1082</sup> Human Rights Watch, [World Report 2017: Pakistan](#), 12 January 2017

against the hospital administration that refused to treat her and police officials who allegedly would not file charges against them. In July, three transgender women reportedly were raped in Faisalabad.<sup>1083</sup>

On 20 February 2017, Dawn News reported that:

Pakistan became one of the first countries in the world to legally recognise a third sex. They number at least half a million people in the country, according to several studies – up to two million, say TransAction.

Since 2009, they have been able to obtain an identity card as “khawajasiras”, and several have run in elections.[...]

But despite these signs of integration they live daily as pariahs, often reduced to begging and prostitution, subjected to extortion and discrimination. [...]

But access to education and employment is a major challenge for these women.

Most khawajasiras say they have been abandoned or bullied to the point of fleeing their families, often as they approach adolescence, when their effeminate behaviour becomes intolerable in a patriarchal society where homosexuality is illegal.

The community is also weakened by the practices of some so-called “gurus” who act as merciless pimps, exploiting disoriented young people instead of behaving as the protective adoptive mothers most pride themselves on being.<sup>1084</sup>

Save the Children noted in a report dated 4 May 2017 that:

The transgender community in Pakistan has very limited access to employment opportunities. Discrimination and harassment force them out of formal schooling and most of them resort to dancing or begging in streets to earn a living. The transgender community will be counted in Pakistan’s population census for the first time in 2017, and while this is a step in the right direction, a lot more needs to be done for the community to effectively engage them in the economic and social workforce.<sup>1085</sup>

Amnesty International noted in a submission dated 1 June 2017 to the UN Committee on Economic, Social and Cultural Rights that:

Amnesty International is concerned that transgender individuals - many of whom work as commercial sex workers - continue to face discrimination in accessing health services in Pakistan. In May 2016, Alisha, who worked with an activist group Transgender Alliance, was allegedly shot by a disgruntled customer. Alisha died from her wounds at a Peshawar hospital after the doctors ignored her and refused to admit her either to the male or the female ward.<sup>1086</sup>

Amnesty International noted in a submission dated 1 June 2017 to the UN Committee on Economic, Social and Cultural Rights that:

Women, children, religious minorities, refugees, and lesbian, gay, bisexual, transgender and intersex (LGBTQI) persons continue to face barriers in the realization of their rights.<sup>1087</sup> [...] Pakistan’s Penal Code criminalizes consensual same-sex relationships. In 2009, the Supreme Court ordered the National Database

---

<sup>1083</sup> US State Department, [2016 Country Report on Human Rights Practices: Pakistan](#), 3 March 2017, *Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity*, p51-52

<sup>1084</sup> Dawn News, [Pakistan's transgender community seeks a reformation](#), 20 February 2017

<sup>1085</sup> Save the Children, [Paving the path to Gender Equality](#), 4 May 2017

<sup>1086</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p13

<sup>1087</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p4

Registration Authority to introduce a “third category” of sex for transgender individuals, locally known as hijras or khwaja saras. The ability to acquire national identity cards is a major step forward for the community. However, these individuals continue to face barriers in seeking employment, health care and education [...].<sup>1088</sup>

Amnesty International reported in June 2017 that:

Marginalized communities in Pakistan continue to face discrimination in both law and practice, on grounds of their gender, religion, nationality, and sexual orientation and gender identity. [...] Transgender persons in Pakistan won a historic right to be recognized as a “third gender” on national identity cards. However, they continue to face discrimination and barriers to seeking employment, healthcare and education.<sup>1089</sup>

Human Rights Watch noted in a report dated 23 June 2017 that:

Human rights groups in Khyber Pakhtunkhwa have recorded dozens of threats to, and attacks on, people and property, including abuses while in police custody. In September 2016, the National Commission for Human Rights called on the government to investigate the attacks, and in 2016 and 2017 local governments and parliament hearings reflected an increased amount of attention to the plight of transgender women—including a unanimous resolution in the Khyber Pakhtunkhwa assembly calling for voting rights for transgender people.<sup>1090</sup>

The US State Department noted in its annual *Trafficking in Persons* report, published on 27 June 2017, that:

Trafficking experts describe a structured system for exploiting women, girls, and LGBTI individuals in sex trafficking, including offering victims for sale in physical markets. Observers report police accept bribes to ignore prostitution in general, some of which may include sex trafficking.<sup>1091</sup>

On 15 August 2017, The Nation reported that “a 17-year-old transgender was shot dead on Monday in Khweshgi area of Nowshera district over a petty issue”.<sup>1092</sup>

On 31 August 2017, Pink News reported that: “A transgender person has been shot dead after a gang of armed men opened fire on a group of trans people in Karachi, the capital of Pakistan”.<sup>1093</sup>

Al Jazeera reported on the same incident the murders of transgender people on 30 August 2017 and noted that:

[...] passengers in a 4WD vehicle first harassed the group by throwing rotten eggs at them and then opened fire, resulting in the death of Chanda Sharmeeli. [...] Transgender people are known as Khusra or Hijra in Pakistan. In conservative South Asia, where sexual relations outside marriage are taboo and homosexuality is illegal, they are often treated as sex objects and often become the victims of violent assault.<sup>1094</sup>

---

<sup>1088</sup> Amnesty International, [Submission to the UN Committee on Economic, Social and Cultural Rights, 61<sup>st</sup> session 29 May- 23 June 2017](#), 1 June 2017, p8-9

<sup>1089</sup> Amnesty International, [Pakistan: Economic, social and cultural rights under attack](#), 12 June 2017

<sup>1090</sup> Human Rights Watch, [Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity](#), 23 June 2017

<sup>1091</sup> United States Department of State, [2017 Trafficking in Persons Report - Pakistan](#), 27 June 2017, *Trafficking People*

<sup>1092</sup> The Nation, [Transgender shot dead](#), 15 August 2017

<sup>1093</sup> Pink News, [Transgender person shot dead as armed gang open fire in Pakistan](#), 31 August 2017

<sup>1094</sup> Al Jazeera, [Transgender people targeted in fatal Karachi attack](#), 30 August 2017

Pink News reported on 4 September 2017 that “Two transgender women have allegedly been gang-raped in their own home, with two other trans women left brutally beaten”.<sup>1095</sup>

On 24 October 2017, Pink News reported that “A trans woman has been tortured and beheaded in Pakistan”.<sup>1096</sup>

On 26 November 2017, Pink News reported that “A transgender woman has been shot dead in the Pakistani city of Peshawar”.<sup>1097</sup>

Radio Free Europe reported on 22 October 2017 that that:

Pakistani police say the body of a transgender person bearing signs of torture was found in the northwestern city of Peshawar, the latest attack targeting the marginalized community in the conservative Muslim country. [...]

Despite this progress, many of them continue to face rampant discrimination, are reduced to begging or prostitution, and subjected to extortion and violence.

On August 30, a transgender person identified as Chanda was shot dead by unidentified attackers in the southern port city of Karachi.<sup>1098</sup>

Freedom House reported on 14 November 2017 that:

[...] most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, civil-military relations, separatist movements, and women's and LGBTI (lesbian, gay, bisexual, transgender, and intersex) rights.<sup>1099</sup>

The Express Tribune reported on 1 December 2017 that:

HIV rates have jumped dramatically in Pakistan over the past 10 years, from 8,360 people living with HIV in 2005 to nearly 46,000 in 2015 – a 17.6% annual increase, compared with 2.2% worldwide – according to one recent tally. Social stigma surrounding homosexuality means actual numbers are likely to be much higher. [...] Only 8.6% of men engaging in same-sex relations who were polled in the recent survey used condoms [...]<sup>1100</sup>

In its World Report 2018 covering events of 2017 Human Rights Watch reported that:

Violent attacks on transgender and intersex women in Pakistan continued in 2017, with unidentified assailants frequently targeting those involved in activism. In August, unknown gunmen shot dead a transgender woman in Karachi.<sup>1101</sup>

---

<sup>1095</sup> Pink News, [Two transgender women allegedly gang-raped while two others are brutally beaten](#), 4 September 2017

<sup>1096</sup> Pink News, [Transgender woman tortured and beheaded in Pakistan](#), 24 October 2017

<sup>1097</sup> Pink News, [Transgender woman shot dead in Pakistan](#), 26 November 2017

<sup>1098</sup> Radio Free Europe/Radio Liberty, [Pakistan: Dead body of transgender person found in Peshawar](#), 22 October 2017

<sup>1099</sup> Freedom House, [Freedom on the Net 2017 - Pakistan](#), 14 November 2017, *Media, Diversity and Content Manipulation*

<sup>1100</sup> Express Tribune, [Mobile apps, social media increasing HIV/AIDS cases in Pakistan: UK publication](#), 1 December 2017

<sup>1101</sup> Human Rights Watch, [World Report 2018: Pakistan](#), 18 January 2018

The U.S. State Department's 2017 report continued to document that "Violence and discrimination continued against LGBTI persons. Police generally refused to take action on cases involving members of the LGBTI community".<sup>1102</sup> The same source further noted:

In Karachi, Sindh police were slow or reluctant to pursue crimes committed against transgender women, including in the cases of an August 30 killing and two separate gang rapes in September. Outreach by NGOs in KP, in contrast, improved interactions between police and the transgender community there.

According to a wide range of LGBT NGOs and activists, society generally shunned transgender women, eunuchs, and intersex persons, collectively referred to as "hijras"--a word some transgender individuals view as pejorative, preferring the term "khwaja serra"--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 transgender individuals places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Authorities often denied transgender individuals their share of inherited property. A 2012 Supreme Court ruling recognizes transgender persons as a "third gender" and allows them to obtain accurate national identification cards. Because of the ruling, in 2013 transgender individuals were able to participate in elections for the first time as candidates and voters.<sup>1103</sup>

On 13 February 2018 Pink News reported that:

Pakistan has taken several steps towards equality for trans people.

In 2009, the country became one of the first in the world to legally recognise a third gender when they handed out gender-neutral identity cards.

Earlier in October, a Pakistani university offered free education to trans students.

And in August, the government introduced a bill which aimed to protect trans people.

But despite these moves, violence and sexual attacks on trans people are still common in the Muslim country.

Last year two transgender women were allegedly gang-raped in their own home.

Two other trans women were left brutally beaten when five men broke into the house rented by a group of trans women in the capital, Karachi.

And just a few weeks earlier, a gang of armed men opened fire on a group of trans people.

One trans person was killed in the attack, which was also committed in the capital.<sup>1104</sup>

On 5 March 2018, Al Jazeera reported that "Transgenders contend with systemic violence and discrimination in accessing health services, affordable housing, transportation and alternate livelihood options".<sup>1105</sup>

## 10. Treatment of persons with disabilities

### State treatment

The UN Human Rights Council noted in September 2017 that:

---

<sup>1102</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6

<sup>1103</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6

<sup>1104</sup> Pink News, [Pakistan has changed the law so transgender people can be their gender without medical approval](#), 13 February 2018

<sup>1105</sup> Al Jazeera, [Pakistan's transgender community takes another step forward](#), 5 March 2018



The Committee on Economic, Social and Cultural Rights recommended that Pakistan take the necessary steps to bring the definition of disability in its legislation in line with the Convention on the Rights of Persons with Disabilities and to include in its legislation denial of reasonable accommodation as a ground of discrimination.

The same Committee also recommended that Pakistan develop a legislative and policy framework on inclusive education for children with disabilities and provide such education<sup>1106</sup>

The US State Department noted in their 2016 annual report on human rights that:

The law provides for equal rights for 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, the National Council for the Rehabilitation of the Disabled, and the 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.

In Sindh the law mandates the minister for bonded labor and special education to address the educational needs of persons with disabilities. According to civil society sources, most children with disabilities did not attend school.

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.

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. Voting was challenging for persons with disabilities, however, because of severe difficulties in obtaining transportation and access to polling stations. The Elections Act 2017, however, allows for mail-in voting for persons with disabilities. In addition, the Election Commission of Pakistan issued a directive for 2018 general election polling stations to be installed on ground floors when possible and to be equipped with ramps in order to facilitate access for persons with disabilities.<sup>1107</sup>

In a report dated 4 December 2016, Dawn news noted that:

[...] part of the problem in Pakistan is also structural — both environmental and institutional. Our urban infrastructure is inadequately designed, barely accessible for parents with young children, let alone for people with disabilities.

Nor are our institutions, with their inflexible procedures and practices, accessible to them. While disability rights groups have taken tremendous strides to have their demands for public accessibility met, these interventions are still piecemeal and poorly implemented — leaving large parts of the experience of navigating public spaces with a disability out of the equation. [...]

When the state does address disability, such as through special education, its practices are exclusionary and unsustainable. Given the critical condition of mainstream public education, government-run special education schools are often given short shrift in terms of policy considerations and budgetary allocations. Without access to expensive, private special education schools in select urban centres, many in rural areas are left without access to education.<sup>1108</sup>

On 11 March 2017, the Express Tribune reported that:

---

<sup>1106</sup> The UN Human Rights Council, [Compilation on Pakistan: Report of the Office of the United National High Commissioner for Human Rights](#), 4 September 2017, para 92-93

<sup>1107</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018  
*Section 6. Discrimination, Societal Abuses, and Trafficking in Persons*

<sup>1108</sup> Dawn, [Inclusive SDGs](#), 4 December 2016

The Lahore High Court (LHC) [...] struck down provisions of the Rules of Competitive Examination 2014 which barred the Central Superior Services (CSS) qualified persons with disability from joining the Foreign Service of Pakistan (FSP).

Releasing a detailed judgment in an already decided matter, Chief Justice Syed Mansoor Ali Shah [...] directed the federal government to allocate two seats to the two visually-impaired petitioners in the FSP at the earliest. [...]

The chief justice ruled that while Rule 9(ii) of the CSS rules 2014 has been struck down, the government should formulate rules to offer all or any occupational services to disabled persons in the All Pakistan Service, after thoroughly assessing possibility of providing reasonable accommodation before the next CSS exam.<sup>1109</sup>

Dawn news also reported on the trial and on 11 March 2017 noted that:

Justice Shah said the federal government seemed to have missed out on the understanding of the constitutional values and fundamental rights. “The government is also not aware of UN Convention on the Rights of Persons with Disabilities (CRPD or Convention), which has been duly ratified by Pakistan in 2011.” He said the government had failed to show that efforts were made to mainstream disabled persons into CSS.

“The State and its institutions are under a constitutional obligation to go the extra mile and ensure, within the means available, that persons with disabilities get reasonable accommodation in order to enjoy their fundamental rights in the same manner enjoyed by other citizens of Pakistan,” the CJ observed.

He ruled that persons with disabilities had all the right to apply for all categories of posts, unless, the federal government, while strictly adhering to the requirement of the Constitution and the Convention, had solid reasons, supported by data, to exclude persons with disabilities from a particular category of service. [...]

The chief justice directed the government to allocate two seats to the petitioners in the FSP at the earliest and if no such posts are available then create two new posts to adjust them in order to uphold their fundamental rights guaranteed under the Constitution and to redress the unconstitutional deprivation they have faced since 2014.<sup>1110</sup>

On 13 March 2017, Dawn news noted that “A large number of physically challenged persons held a demonstration [...] for acceptance of their demands by the government.”<sup>1111</sup> The same source further noted that:

Led by Samiullah Yousafzai, president of Hamdard Mazoran Balochistan, the protesters — some on wheelchairs and some with walking sticks — marched on different roads of the city and later gathered outside the press club. Carrying placards and banners inscribed with their demands, they were raising slogans.

Addressing the protesters, Mr Yousafzai, Murad Bakhsh Khosa, Ata Mohammad Mullahkhel and Mohammad Akbar Achakzai demanded strict implementation on the 5 per cent quota of government jobs for disabled persons.

They urged Balochistan Chief Minister Nawab Sanaullah Zehri to issue a notification in this regard as soon as possible.

They said the physically challenged persons were facing difficulties in getting the disable certificate in all districts of the province. They said the government should remove all hurdles in the issuance of this certificate.<sup>1112</sup>

Dawn News reported on 16 March 2017 that:

---

<sup>1109</sup> The Express Tribune, [CSS qualified persons with disability can now join Foreign Service of Pakistan](#), 11 March 2017

<sup>1110</sup> Dawn, [LHC wants new CSS rules for persons with disabilities](#), 11 March 2017

<sup>1111</sup> Dawn, [Disabled persons seek govt jobs](#), 13 March 2017

<sup>1112</sup> Dawn, [Disabled persons seek govt jobs](#), 13 March 2017

The Supreme Court on Thursday ordered the federal government and the Pakistan Bureau of Statistics (PBS) to amend census forms to include persons with disabilities in the headcount exercise which commenced a day earlier.

The court directed the PBS to implement the Lahore High Court's (LHC) decision in this regard, which had directed the bureau to include disabled persons in the ongoing census on Wednesday.

LHC Chief Justice Syed Mansoor Ali Shah had observed that information regarding disability could be easily included in Form 2-A's Column No.3, which pertains to "sex", by assigning codes for disabled male with 4, disabled female with 5, and disabled transgender with 6.<sup>1113</sup>

A March 2017 shadow report produced by the Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights noted that:

Insufficient domestic financing for education has been a major and detrimental issue to make the Right to Education an enforceable right which has resulted in wide inequalities. Factors such as urban-rural placement, gender and poverty converge to result in dire inequalities. According to some estimates, poor girls belonging to rural areas face the worse inequality with only 15% of girls likely to complete school as opposed to 40% of poor rural boys. The situation worsens for children with disabilities, who are even less likely to go to school.<sup>1114</sup>

Amnesty International reported in June 2017 that "Children living with disabilities, often experience discrimination, are out of school in large numbers and often do not have access to inclusive education".<sup>1115</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned at the narrow definition of disability in the legislation, which limits the capacity of the State party to assess the situation of persons with disabilities and to develop effective policies to address the discrimination facing them in relation to the enjoyment of Covenant rights. It is also concerned at the lack of reasonable accommodation and personal assistance services for persons with disabilities and at the limited legal provisions aimed at ensuring the accessibility of public facilities and institutions, which seriously impede the enjoyment of economic, social and cultural rights by persons with disabilities (art. 2).<sup>1116</sup>

In August 2017, the UN Human Rights Committee stated in its concluding observations that:

While noting the adoption of quotas for women and minority persons in the national and provincial parliaments and in public services and quotas for persons with disabilities in public services, the Committee is concerned that the minority quota is applied only to religious minorities, and regrets the absence of sufficient information on the implementation of these quotas.<sup>1117</sup>

The Express Tribune reported on 3 December 2017 that:

---

<sup>1113</sup> Dawn, [SC orders govt to count disabled people in ongoing census](#), 16 March 2017

<sup>1114</sup> Coalition for Alternate Report on the International Covenant on Economic, Social and Cultural Rights, [The State of Economic, Social and Cultural Rights in Pakistan: A Joint Civil Society Shadow Report on Economic Social and Cultural Rights](#), April 2017, p42

<sup>1115</sup> Amnesty International, [Pakistan: Economic, social and cultural rights under attack](#), 12 June 2017

<sup>1116</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 23

<sup>1117</sup> UN Human Rights Committee, [Concluding observations on the initial report of Pakistan](#), 23 August 2017, para 47

Seven million persons with disabilities do not have access to wheelchairs in Pakistan and are therefore forced to remain within the confines of their homes, said Shafiqur Rehman, president of Milestone – a movement for persons with disabilities.

The government is trying to deny us our constitutional rights by registering the population of persons with disabilities as 0.48% of the entire population in the recently conducted census, whereas the number of persons with disabilities in India is 15% of its population, 17% in Afghanistan and 18% in Nepal. [...]

“At least 20 million people in Pakistan have disabilities, making that 10% of the country’s population,” said Rehman, adding that Pakistan is losing \$12 million every day by not including persons with disabilities in the mainstream economy.

He [Rehman] said if all the buildings are made accessible then many perceived disabilities would no longer exist. Rehman said in a country like Pakistan, when a person with a disability is born, the entire family becomes disabled, as they are often discriminated against. “Before I was born my family was a ‘non-disabled’ family. The day I was born my family became disabled,” he said.<sup>1118</sup>

### ***Detention, trial and execution of persons with disabilities***

On 27 September 2016 “Four United Nations human rights experts [...] urged the authorities in Pakistan to halt the execution of Mr. Imdad Ali, a man with a psychosocial disability, and to re-try him in compliance with international standards”.<sup>1119</sup> The same source further noted that:

‘It is a violation of death penalty safeguards to impose capital punishment on individuals with a psychosocial disability,’ the UN experts said. ‘We urge the authorities to annul the death sentence against Mr. Ali and to ensure a fair re-trial which takes into consideration all evidence relevant to the case including medical reports on Mr. Ali’s mental health status.’ The 50-year-old Pakistani was sentenced to death in 2002 for the alleged murder of a religious scholar. A year before the killing, Mr. Ali had been examined by a doctor and referred to a mental health facility for treatment. His psychosocial disability was raised at his first trial, but his condition was not mentioned in the court ruling sentencing him to death.<sup>1120</sup>

Amnesty International noted in a report dated 21 December 2016 that:

Amnesty International’s report shows how Pakistan’s blasphemy laws enable abuse and violate the country’s international legal obligations to respect and protect a range of human rights [...]

The report also details how the laws have been used to target some of the most vulnerable people in society, including children, individuals with mental disabilities, members of religious minorities and the poor.

One of the cases detailed in the report involves Rimsha Masih, a Christian girl with a learning disability who was 14 years old when she was accused of blasphemy by a local cleric who accused her of burning pages of the Qur’an. Despite being a child with a mental disability, she was arrested by the police and charged.

After a three-month ordeal in the glare of the media, The Islamabad High Court quashed the charge [...] Rimsha Masih and her family fled to Canada, where they were given asylum because of the threats they faced.<sup>1121</sup>

Amnesty International reported in March 2017 that:

---

<sup>1118</sup> The Express Tribune, [Give us our rights, say persons with disabilities](#), 3 December 2017

<sup>1119</sup> OHCHR news, [UN rights experts urge Pakistan authorities to halt execution of a person with disabilities](#), 27 September 2016

<sup>1120</sup> OHCHR news, [UN rights experts urge Pakistan authorities to halt execution of a person with disabilities](#), 27 September 2016

<sup>1121</sup> Amnesty International, [Pakistan: How the blasphemy laws enable abuse](#), 21 December 2016

Civilian courts have used the death penalty in contravention of international law, including by imposing the death penalty on those with mental disabilities, or those who were below 18 years of age when the crime was committed.<sup>1122</sup>

The UN Human Rights Committee noted in its concluding observations in August 2017 that:

The Committee notes with concern that the State party lifted its moratorium on the death penalty in December 2014 and that, since then, it has been one of the States with the highest rates of executions. It is particularly concerned that the death penalty is applied to crimes other than the “most serious crimes” within the meaning of article 6 (2) of the Covenant, such as drug trafficking and blasphemy; that juveniles and persons with psychosocial or intellectual disabilities are reportedly sentenced to death and executed; that a policy of blanket refusal of clemency applications is allegedly in place and no clemency applications have been granted; and that executions are allegedly carried out in a manner that constitutes torture or cruel, inhuman or degrading punishment.<sup>1123</sup>

On 23 August 2017, the UN Human Rights Council published a summary of stakeholders’ submissions and noted that:

Concerning working for the welfare of persons with disabilities, HRW [Human Rights Watch] indicated that the implementation of CRPD [Convention on the Rights of Persons with Disabilities] was very slow. As state party, Pakistan was obliged to provide adequate health care, support, and procedural adjustments to enable people with disabilities to participate in the judicial process. Yet adequate safeguards for them had not been put in place. Some individuals with physical or psychosocial disabilities were on death row in very difficult conditions, including in solitary confinement.<sup>1124</sup>

The UN Human Rights Council noted on 4 September 2017 that:

A group of special rapporteurs urged Pakistan to halt the execution of persons with disabilities. The Special Rapporteur on the rights of persons with disabilities stated that Pakistan was bound to respect the right to life and the inherent dignity of detainees with disabilities, and must provide reasonable accommodation in detention. The Human Rights Committee recommended that no one with serious psychosocial or intellectual disabilities be executed or sentenced to death. It also recommended that Pakistan establish an independent mechanism to review all cases and provide credible evidence that prisoners facing death had such disabilities.<sup>1125</sup>

In October 2017, Human Rights Watch noted that:

Pakistan has executed at least 471 people since it lifted an informal moratorium on executions in December 2014. In many cases, there are serious concerns that people executed were denied the right to a fair trial. Courts have also imposed the death penalty, in violation of international law, on people with mental disabilities, individuals who were below 18 years of age when the crime was committed, and those whose convictions were based on “confessions” extracted through torture or other ill-treatment.<sup>1126</sup>

### Societal treatment

---

<sup>1122</sup> Amnesty International, [Pakistan: widespread human rights violations continue](#), March 2017, p7

<sup>1123</sup> UN Human Rights Committee, [Concluding observations on the initial report of Pakistan](#), 23 August 2017, para 17

<sup>1124</sup> UN Human Rights Council, [Summary of Stakeholders’ submissions on Pakistan](#), 23 August 2017, para 99

<sup>1125</sup> UN Human Rights Council, [Compilation on Pakistan](#), 4 September 2017, para 91

<sup>1126</sup> Human Rights Watch, [Pakistan: Election to UN Rights Body Spotlights Failings](#), 18 October 2017

On 3 December 2016, Pakistan's daily newspaper The News reported that "In Pakistan, Persons with Disabilities still have difficulty exercising their civil and political rights, attending quality schools, and finding gainful employment, among other activities".<sup>1127</sup> The same source further noted that:

As such, they face exclusion as productive members of the society, leading to economic losses worth \$11.9 billion to \$15.4 billion, or 4.9% to 6.3% of Pakistan's GDP, reveals data shared by HelpAge Pakistan on the occasion of International Day of Persons With Disabilities.

Surveys conducted by non-governmental organizations including by World Health Organisation (WHO) indicate that over 15 per cent of people in the general population in Pakistan have some form of disability. [...]

They [persons with disabilities] face barriers to participation in society, such as access to healthcare facilities, education, information and communication, transportation services, employment opportunities as well as development and humanitarian programmes and funds.

Persons with Disabilities also face enhanced risk to the effects of climate change, such as natural disasters and food insecurity; they are also more vulnerable in situations of conflict. In the past decade, Pakistan unfortunately has continuously faced both natural and complex humanitarian situations.<sup>1128</sup>

In a report dated 4 December 2016, Dawn news noted that:

The most insidious part of the problem is psychological. Isolated from society, people with disabilities are more likely to internalise societal misconceptions about them. They, especially women, are more likely to face social and economic discrimination, and physical and sexual violence. Their global literacy rate is as low as 3pc (1pc for women), and workforce participation is similarly low. These factors contribute to a vicious cycle of exclusion. [...]

In Pakistan, actual disability statistics are difficult to come by. A 2012 HHRD report estimates the population of Pakistanis with disabilities to be more than the populations of Hyderabad, Multan and Peshawar combined. This staggering estimate was based on projections using data from the 1998 national census — which experts argue is a lowball figure given that the methodology for data collection was decidedly arcane, and compounded by failures of households to report disability due to societal stigma.<sup>1129</sup>

The Asian Human Rights Commission reported on 9 October 2017 that:

The country has dearth of the reliable data about the sex, age, regional distribution and marital status of persons with disabilities, the nature of their respective disabilities and the level of their integration, mainstreaming and inclusion in the development sector, media and public spaces.<sup>1130</sup>

In November 2017 the Movement for Solidarity and Peace in Pakistan reported that "29 years Ibrahim Shah has spent 22 years of his life in chains because of his mother's fear of losing him Ibrahim, a mentally challenged boy since childhood. Ran away from his house multiple times at the age of 7. He was taken to different doctors but due to the lack of funds could never be treated".<sup>1131</sup>

The Express Tribune noted on 11 December 2017 that:

KU [University of Karachi] Department of Special Education Chairperson Dr Humera Aziz said that financial problems are very common among persons with disabilities because employment opportunities are very low for them. "Even if they are employed, they face enormous difficulties in

---

<sup>1127</sup> The News, [Exclusion of disabled persons causing economic losses up to \\$15.4b](#), 3 December 2016

<sup>1128</sup> The News, [Exclusion of disabled persons causing economic losses up to \\$15.4b](#), 3 December 2016

<sup>1129</sup> Dawn, [Inclusive SDGs](#), 4 December 2016

<sup>1130</sup> Asian Human Rights Commission, [Pakistan: Disability Dreams](#), 9 October 2017

<sup>1131</sup> Movement for Solidarity and Peace in Pakistan, [PESHAWAR: 29 YEARS OLD IBRAHIM SHAH IN CHAINS FOR THE PAST 22 YEARS](#), 7 November 2017



commuting since there is no public transport system favourable for persons with disabilities,” said Dr Aziz.<sup>1132</sup>

In a March 2018 article the Open Society Foundations reported with regards to societal discrimination that:

Disabled people face many barriers in Pakistan—not just physical ones. Even if they can navigate cities without ramps or elevators for those in wheelchairs, they still need to overcome deep prejudices that keep disabled people from becoming full members of society. Those who dare to venture outside their home are routinely met with stares or are approached by strangers who ask them to pray on their behalf. In rural areas, where disability is seen as a bad omen or curse from god, blind and crippled people are mocked. Ashamed parents keep disabled children shut inside and feed them poorly.<sup>1133</sup>

## 11. Treatment of ethnic minority groups

According to the CIA World Factbook the main ethnic groups in Pakistan are “Punjabi 44.7%, Pashtun (Pathan) 15.4%, Sindhi 14.1%, Sariaqi 8.4%, Muhajirs 7.6%, Balochi 3.6%, other 6.3%”.<sup>1134</sup>

Amnesty International noted its annual report on Pakistan for 2016 that “Minorities, particularly Ahmadis, Hazaras and Dalits, continued to face restricted access to employment, health care, education and other basic services”.<sup>1135</sup>

The S. Rajaratnam School of International Studies noted in a December 2016 report that “Violence in Karachi declined in 2016. However, ethnic tensions need to be resolved for a longterm solution. Ethno-political violence between the Muhajirs and Pashtuns have resulted in thousands of deaths. Even after the Rangers Operation in Karachi, kidnapping and targeted killings have continued. The Muttahida Qaumi Movement (MQM), a political party representing Muhajir interests, achieved electoral success despite suffering arrests of its party workers for being allegedly involved in violence. This underlines the grievances of the Muhajir electorate that ought to be understood and addressed in order to ensure peace in Karachi”.<sup>1136</sup>

An Asian Human Rights Commission December 2016 article documents enforced disappearances of Sindhi nationalists:

The Asian Human Rights Commission (AHRC) has received information regarding the extra judicial killings during custody and enforced disappearance of Sindhi nationalists. The dead body of Mr. Zakir Hussain Bozdar was found. He was missing after his arrest on December 3. A student activist, Sohail Raza Bhatti, was arrested on September 17, and his whereabouts are unknown. A poet and nationalist leader, Aashique Mugheri, was targeted by “unknown persons” on a motor bike after he received death threats from law enforcement agencies. Another nationalist leader, Raja Shafqat Hussain Mangi, missing since August 11, after three months his arrest by rangers, he has been produced in court, on December 09. He was coerced not to tell anyone about his ordeal in the detention center. He was tortured while in custody. A writer and publisher, Mr. Wahid Baloch, was released from Rangers

---

<sup>1132</sup> The Express Tribune, [‘No public transport system for persons with disabilities’](#), 11 December 2017

<sup>1133</sup> Open Society Foundations, [A Roll of the Dice for an Accessible Pakistan](#), 26 March 2018

<sup>1134</sup> CIA World Factbook, [Pakistan](#), last updated 16 March 2018

<sup>1135</sup> Amnesty International, [Amnesty International Report 2016/17 - The State of the World's Human Rights - Pakistan](#), 22 February 2017, *Discrimination – religious minorities*, p. 285

<sup>1136</sup> S. Rajaratnam School of International Studies (Author), published by ReliefWeb, [Counter Terrorist Trends and Analysis Volume 9, Issue 1](#), January 2017, 3 January 2017, p. 53

custody after four months. He disappeared after being arrested on July 26 and released on December 5. He was tortured while being incommunicado.

The Asian Human Rights Commission is concerned about the increasing trend in enforced disappearances in the province of Sindh. The Pakistan Supreme Court has declared enforced disappearances unconstitutional and a blatant violation of the fundamental right to life. Yet the state and intelligence agencies continue the practice unabated. The trend increases each year and shows no signs of letting up. Nationalist parties and their political workers are particularly targeted. Many activists have disappeared or been killed since the start of the military operation Zarb e Azb in Pakistan.<sup>1137</sup>

In a February 2017 article Dawn cited a press release by the Human Rights Commission of Pakistan condemning Punjab authorities for racial profiling of Pashtuns:

The Human Rights Commission of Pakistan (HRCP) on Monday played Punjab government officials for the "apparent racial profiling" and "stereotyping" of Pashtuns in the province as authorities step up a crackdown against militancy after a recent surge in terror attacks across the country.

An HRCP press release said administrative officials in some Punjab districts had issued formal or informal orders "asking the population to keep an eye on suspicious individuals who look like Pashtuns or are from the Federally Administered Tribal Areas, and to report any suspicious activity by them."

The HRCP, expressing 'grave concern' over the matter, called for unequivocal condemnation of "stereotyping that makes suspects of an entire ethnic group" and emphasised the need for corrective measures to be introduced for officials at the training and execution stages in order to prevent recurrence of 'racial profiling'.

[...] The HRCP's statement comes as leaders of various political parties also strongly condemn what they call the racial profiling and harassment of Pashtuns by the Punjab police after recent terror attacks across the country, and particularly in Lahore.<sup>1138</sup>

The US Department of State annual report on Pakistan covering 2017 stated with regards to treatment of Hazara ethnic minority that "Members of the Hazara ethnic minority, who are Shia Muslim, continued to face discrimination and threats of violence in Quetta, Balochistan. At least 13 Hazara Shia were killed in targeted attacks throughout the year. For example, on July 19, unidentified gunmen killed a Hazara Shia family of four travelling from Quetta to Karachi. According to press reports and other sources, Hazara 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 causing violent incidents, authorities confined Shia religious processions to the Hazara enclaves".<sup>1139</sup>

Amnesty International noted in its 2017 Submission to the United Nations Committee on Economic, Social and Cultural Rights on the treatment of Pashtuns that "In recent times, Pashtuns from FATA [Federally Administered Tribal Areas] and Khyber Pakhtunkhwa province, who make up a large proportion of internal migrants, have been alleged to have experienced discrimination from private employers, making it harder for them to access work. These allegations surfaced after the authorities blamed Afghans - and people belonging to Pakistan's predominantly Pashtun northwest region - for some attacks against civilians which took place in early 2017. In February 2017, the police in various cities of Punjab province reportedly put individuals from FATA under surveillance. On 21 February

---

<sup>1137</sup> Asian Human Rights Commission, [Pakistan: Disappearances and extra judicial killings of Sindhi nationalists continue](#), 13 December 2016

<sup>1138</sup> Dawn, [HRCP condemns 'racial profiling' of Pashtuns by Punjab govt officials](#), 17 February 2017

<sup>1139</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6. Other Societal Violence or Discrimination

2017, a traders' association in Lahore circulated a notice asking Pashtun traders to report to the police for security clearance".<sup>1140</sup>

The same source noted with regards to Hazaras that "A distinct ethnic group, the Persian-speaking Hazaras originally came to Quetta during the late nineteenth-century fleeing persecution in central Afghanistan. Now concentrated in two neighbourhoods of Quetta, the capital of Balochistan province, Hazaras live in fear. They must restrict their movements, which has led to economic hardships and curtailed access to education".<sup>1141</sup>

Radio Free Europe/Radio Liberty reported in March 2017 on the Pashtun's community allegations of persecution at the hands of Punjab authorities:

Minority Pashtuns, a group that populates both sides of Pakistan's volatile northwest border with Afghanistan, allege that they have been targeted in Punjab Province recently with arrests and police harassment.

The Pakistani military sweeps and other operations are a response to attacks claimed by militant groups Islamic State (IS) and the Pakistani Taliban that killed more than 120 people in early February.

Those killings shattered the relative calm that followed a military-led crackdown on terror groups, begun in 2014, in predominantly Muslim Pakistan, which has long been a hotbed of Islamist radicalism. Pakistan launched fresh counterterror operations on February 22, including in Punjab, the country's most populous province.

Police in one Punjabi district reportedly distributed pamphlets calling on residents to report Afghan migrants and Pashtuns whom they suspect of being terrorists.

Pashtuns have responded with protests, and community leaders have demanded that the federal government intervene.<sup>1142</sup>

Dawn similarly reported in March 2017 on the racial profiling of Pashtuns in Punjab stating that "Khyber Pakhtunkhwa Assembly Speaker Asad Qaisar has alleged that the Punjab government is continuing with its 'racial policies' and hasn't even honoured a joint resolution passed by the KP Assembly in this respect. Addressing a news conference here on Wednesday, Mr Qaisar said Pakhtuns continued to face persecution by the police in Lahore and other parts of Punjab despite the passing of a joint resolution by the KP Assembly to condemn the 'ethnic profiling' of Pakhtuns in Punjab. The resolution demanded the immediate release of the arrested people and urged the Punjab government to give up its discriminatory policies against Pakhtuns".<sup>1143</sup>

In June 2017 the UN Committee on Economic, Social and Cultural Rights heard from civil society organisations on the implementation of the International Covenant on Economic, Social and Cultural Rights in Pakistan:

Pakistan Dalit Solidarity Network highlighted the problem of caste-based discrimination and adequate standard of living of the Dalits and minorities in Pakistan, and noted that they faced widespread and multiple discrimination - social and religious, as well as institutional and legal. A large number of Dalits worked as bonded labourers due to poverty, landlessness, untouchability, and illiteracy, and faced deprivation of the basic necessities such as education, health, and an adequate standard of living. The non-governmental organization stressed the lack of progress on the strengthening of the legal

---

<sup>1140</sup> Amnesty International, [Pakistan; Submission to the United Nations Committee on Economic, Social and Cultural Rights; 61st Session, 29 May - 23 June 2017 \[ASA 33/6100/2017\]](#), 2017, *Right to Work and Trade Union Rights*, p. 9-10

<sup>1141</sup> Amnesty International, [Pakistan; Submission to the United Nations Committee on Economic, Social and Cultural Rights; 61st Session, 29 May - 23 June 2017 \[ASA 33/6100/2017\]](#), 2017, *Right to Culture*, p. 15

<sup>1142</sup> Radio Free Europe/Radio Liberty, [Pashtuns Allege Persecution As Pakistan Wages Antiterrorism Battle](#), 1 March 2017

<sup>1143</sup> Dawn, [Punjab govt under fire for 'racial policies'](#), 2 March 2017

framework for the elimination of discrimination on the basis of caste and religion. The Criminal Law (Protection of Minorities) Bill had been passed in November 2016 which recognized that forcing a child under 18 years of age to change their religion and enter into a marriage was a punishable offence. However, some religious and extremist groups had argued that the Bill was against the teachings of Islam and consequently, the Governor of Sindh had not sign the Bill. In Sindh and Punjab every year, thousands of Dalit and minority girls became victims of forced marriage and there was no specific law which prohibited caste-based discrimination.<sup>1144</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is concerned that persons belonging to minorities other than religious ones cannot enjoy their rights because the minority status of their groups has not been recognized under the domestic law of the State party (arts. 2 and 15).

The Committee remains concerned at well-documented reports of the continuing de facto discrimination and segregation facing members of the “scheduled castes” or Dalits and the entrenched stigma and prejudice against them (arts. 2, 6 and 13-14).<sup>1145</sup>

A September 2017 report on Pakistan by the Australian Government’s Department of Foreign Affairs and Trade stated on the situation of Pashtuns that “DFAT is aware that members of the Pashtun community, particularly in Lahore, have claimed to have been harassed by police and security forces and to have had difficulty obtaining identification. Since the commencement of Operation Zarb-e-Azb and the National Action Plan (NAP), large numbers of Pashtuns have been arrested across the country on suspicion of terrorism activities—due largely to the fact that the TTP’s [Tehreek-e Taliban Pakistan] support base is primarily Pashtun. Hundreds of Pashtuns were also arrested in the lead-up to a proposed (later cancelled) large-scale political protest led by Pakistan Tehreek-e-Insaf (PTI) in early November 2016. PTI has its base in Pashtun-dominated Khyber Pakhtunkhwa province. Members of the Pashtun community told DFAT that community leaders are typically able to secure the release of Pashtuns who have been arrested without firm evidence of wrongdoing”.<sup>1146</sup>

The Human Rights Commission of Pakistan reported in November 2017 on arbitrary arrest and detention of Baloch students and activists in Karachi:

The Human Rights Commission of Pakistan (HRCP) has slammed the recent spate of enforced disappearances involving Baloch students and activists in Karachi. HRCP has demanded that these student activists and human rights defenders be accorded due process if they are suspected of any crime, or be immediately released by the security forces that have detained them.

In a statement issued on Monday, the commission said: “HRCP is gravely concerned about the fact that security personnel raided a house in Karachi a few days ago and arrested four Baloch student leaders of BSO ‘Azad’ and BNM: Mr. Sanaullah (aka Ezzat Baloch), Mr. Hassan (aka Nodaan), Mr. Naseer Ahmed (aka Chiraag) and Mr. Rafeeq Baloch (aka Kambar). Another student, Mr. Sagheer Ahmed, was picked up from the Karachi University canteen. Furthermore, over the weekend, a Baloch social and human rights activist, Mr. Akbar Ali Gabol, was picked up from his house in Gulshan-e-Iqbal at midnight. HRCP unequivocally condemns arbitrary arrest and detention of all Pakistani citizens, but is particularly concerned when human rights defenders and students engaged in human rights

---

<sup>1144</sup> OHCHR news, [Committee on Economic, Social and Cultural Rights hears from civil society organizations from Pakistan](#), 12 June 2017

<sup>1145</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraphs 29 and 31

<sup>1146</sup> Australian Government - Department of Foreign Affairs and Trade, [DFAT Country Information Report Pakistan](#), 1 September 2017, p. 12 and 13

awareness work are targeted, apparently on account of their work. That appears to be the situation in this case.”<sup>1147</sup>

The UN High Commissioner for Refugees noted in a 2018 report that “The Hazara community reports ethnic and religious discrimination that has marginalized them from the larger Afghan and host community. Targeted killings of Hazara in Baluchistan, although isolated events, are still a cause for concern”.<sup>1148</sup>

Human Rights Watch reported in March 2018 on the protests of the Pashtun community against discrimination and ethnic stereotyping: “This week, police in Pakistan’s province of Balochistan registered a criminal case against Pashtun activist Manzoor Pashteen for criticizing the government and state security agencies. Pashteen’s alleged crime is to demand equal citizenship for Pashtuns, the second largest ethnic group in Pakistan, who have been protesting for the past two months, calling for an end to discrimination and ethnic stereotyping. The protests were sparked by the alleged extrajudicial killing by police of Naqeebullah Mehsud, 27, in Karachi in early January. The peaceful demonstrations have now spread across the country. For instance, last week, a group of Pashtun students held a sit-in outside the office of the vice-chancellor of the Punjab University Lahore, protesting discrimination by the university administration”.<sup>1149</sup>

The same report further details the situation of Pashtuns in Pakistan stating that “Many Pakistani Pashtuns live in the Federally Administered Tribal Areas (FATA), the embattled area bordering Afghanistan that in recent years has endured attacks by the Taliban armed group, government military offensives, and US drone strikes. FATA is still governed by colonial era regulations that allow “collective punishment” for entire communities, including property destruction, and largely denies people access to courts to enforce their rights. In 2016, when about a million displaced residents returned home following 2014 military operations against the Taliban, they had to produce special identification cards not required of other Pakistanis. Provincial governments have added to the tensions. In February, the Punjab government issued a notification “asking the population to keep an eye on suspicious individuals who look like Pashtuns or are from the Federally Administered Tribal Areas, and to report any suspicious activity by them””.<sup>1150</sup>

The Human Rights Commission of Pakistan reported in March 2018 on the expulsion of Baloch and Pashtun students in Punjab:

HRCP has expressed serious alarm over the mistreatment of Pashtun and Baloch students by the administration of the Punjab University. On January 22, 2018, there was a clash between different student groups at Punjab University’s Quaid-e-Azam campus in Lahore, following which a crackdown was initiated against the students alleged to have been involved in the incident. Cases were registered against a number of students and more than 200 students were arrested. A large majority of the students who were arrested were Pashtuns and Baloch. The university administration sent show cause notices to the students alleged to have been involved in the clash and suspended some of them. The arrested students were released on bail eventually and the provincial government claimed that the charges against the students, which included sections of the Anti-terrorism Act (ATA) in some instances, will be dropped.

Following these developments, the administration of Punjab University expelled a number of Pashtun and Baloch students on 17th February 2018. At the same time, the university administration had issued further show cause notices to more students. The cases that were registered against the arrested

---

<sup>1147</sup> Human Rights Commission of Pakistan, [HRCP demands release of Baloch students & activists picked up in Karachi](#), 28 November 2017

<sup>1148</sup> UN High Commissioner for Refugees, [2017; Participatory Assessment Findings and Recommendations: Community Based Protection](#), 2018, p. 9

<sup>1149</sup> Human Rights Watch, [Listen to Pakistan’s Marginalized Pashtuns](#), 13 March 2018

<sup>1150</sup> Human Rights Watch, [Listen to Pakistan’s Marginalized Pashtuns](#), 13 March 2018

students are still in effect and the bail of the students, who were released, can be cancelled at any time which can result in their arrest. The students who have been expelled and suspended have been protesting the decisions against them for more than a week now. [...] The impression that the university administration has been targeting Pashtun and Baloch students because of their ethnic identities is cause for grave concern.<sup>1151</sup>

## 12. Treatment of (actual and perceived) political opponents

For information on the treatment of politically motivated attacks by non-state agents, see [4.7.1 Government officials](#).

In its annual report on Pakistan covering 2016 the US Department of State reported that “The law permits citizens to criticize the government publicly or privately, but criticism of the military could result in political or commercial reprisal. [...] Ministers and members of the National Assembly used libel and slander laws in the past to counter public discussion of their actions. [...] 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”.<sup>1152</sup>

Bertelsmann Stiftung noted in its report on Pakistan covering the period from February 1, 2015 to January 31, 2017 that “Opposition parties sometimes call for military intervention in political processes; there were calls for outgoing COAS [Chief of Army Staff] Raheel Sharif to intervene in politics in late 2016. However, he stepped down at the end of his term and was replaced by a new COAS. In October 2016, the Pakistan Tehreek-e-Insaf (PTI) leader Imran Khan threatened to shut down Islamabad with a direct action unless the prime minister was held accountable for allegations of corruption arising from the Panama Papers; the threat was withdrawn when a judicial inquiry into the Panama Papers began. Both the COAS turnover and the lack of a direct action are not necessarily signs of democratic commitment, as the decisions were the result of strategic calculus”.<sup>1153</sup>

In its annual report on Pakistan Freedom House provided an overview of the treatment of opposition parties during 2016 stating that “Pakistan has a thriving and competitive multiparty system. Opposition parties are generally free to operate both inside and outside the assemblies. [...] In contrast, the strongest party in Karachi, the Muttahida Qaumi Movement (MQM), faced a crackdown by authorities, who closed the party’s offices and arrested influential members after exiled party leader Altaf Hussain gave an August address that was highly critical of the army. Demonstrators allegedly affiliated with the party had subsequently launched a violent attack on two television stations. The MQM nevertheless continued operating during the year, participating in by-elections and the Sindh assembly”.<sup>1154</sup>

In its annual report on Pakistan covering 2016 the US Department of State also reported on the treatment of Muttahida Qaumi Movement (MQM) party members “Karachi-based political party MQM alleged that the paramilitary Sindh Rangers kidnapped, tortured, and killed some of its members in security operations in Karachi. They claimed authorities killed 61 MQM members extrajudicially in

---

<sup>1151</sup> Human Rights Commission of Pakistan, [HRCP alarmed over expulsion of Pashtun and Baloch students by Punjab University administration](#), 12 March 2018

<sup>1152</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 2a and 3

<sup>1153</sup> Bertelsmann Stiftung, [BTI 2018; Pakistan Country Report](#), 2018, *Stability of Democratic Institutions*, p. 14

<sup>1154</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, *Political Pluralism and Participation*



the operations. In May the MQM submitted to the Supreme Court a list of 171 political workers who it said had been missing since January. The party said Sindh Rangers were responsible for abducting party workers. The Human Rights Commission of Pakistan (HRCP) called for a probe into extrajudicial killings and disappearances of MQM workers".<sup>1155</sup> Furthermore, "There were continued allegations of politically motivated killings of Baloch nationalists in Balochistan and Sindh. In his testimony before the Senate of Pakistan Standing Committee on Human Rights, Balochistan's Frontier Corps Deputy Inspector General for Investigations and Crime declared that 1,040 persons had been killed in Balochistan in 2015-16. He claimed there was "no evidence of security agency involvement" in the killings".<sup>1156</sup>

The report further stated that "Nationalist parties in Sindh also alleged that law enforcement agencies kidnapped and killed Sindhi political activists. Jeay Sindh Muttahida Mahaz (JSMM), a banned Sindhi nationalist party, claimed that during 2016, 11 of their party members had been abducted by security agencies across Sindh".<sup>1157</sup>

Similarly the U.S. Department of State 'Country Report on Terrorism' covering events in 2016 stated that "While the counterterrorism and anti-crime operations of the paramilitary Rangers in Karachi led to reduced levels of violence in the city, the media published allegations that the Rangers also targeted certain political parties for political reasons".<sup>1158</sup>

Freedom House stated in its annual report on Pakistan covering 2016 on the arrest of demonstrators during anti government protests: "In October, a series of antigovernment protests took place at which demonstrators expressed anger over documents released in the Panama Papers leak that raised questions about undisclosed assets held by Prime Minister Sharif's family. Hundreds of demonstrators were detained following violent clashes with police, who employed tear gas and rubber bullets against the crowd".<sup>1159</sup>

Human Rights Watch further detailed the crackdown on opposition protests held in October 2016: "Pakistan's authorities must immediately and unconditionally release hundreds of opposition activists, lift restrictions on their movement and take all appropriate measures to ensure that people are allowed to exercise their right to peaceful assembly, Amnesty International said today. The organization's calls come as Pakistan's authorities have intensified their crackdown on supporters of Imran Khan's Tehreek-e-Insaf party, including by using unnecessary and excessive force. The police fired tear gas and rubber bullets against protesters and detained hundreds in indiscriminate and arbitrary mass arrests. Amnesty International has received credible reports that hundreds of people have been arrested under Section 144 of the Penal Code, a draconian colonial-era law that forbids the gathering of more than four people, and represents an undue restriction on the rights to freedom of expression and peaceful assembly".<sup>1160</sup>

A November 2016 Jamestown Foundation article recorded with regards to the targeting of secular activists in Karachi that:

---

<sup>1155</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. d. Disappearance

<sup>1156</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. Political Prisoners and Detainees

<sup>1157</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 1. d. Disappearance

<sup>1158</sup> US Department of State, [Country Report on Terrorism 2016 - Chapter 2 - Pakistan](#), 19 July 2017

<sup>1159</sup> Freedom House, [Freedom in the World 2017 - Pakistan](#), January 2017, Executive Summary

<sup>1160</sup> Amnesty International, [Pakistan: End crackdown on opposition protests](#), 31 October 2016

Secular political parties say they have been targeted while the authorities have allowed Islamist political parties the freedom to continue their activities. In May, MQM accused the Rangers of the extrajudicial killing of 240 workers and, in a separate incident, the forced disappearance of another 171 (Dunya News, May 12; Dawn, May 3). The ruling party of Sindh province, the Pakistan Peoples Party (PPP), also accused the Rangers of moving beyond their mandate when Rangers personnel arrested PPP stalwart Dr. Asim Hussain on charges of facilitating terrorists in his hospital (ARY News, July 19).

The authorities deny they have been discriminatory, but it is clear that the militant wings of religious parties, as well as proscribed sectarian groups, are still active. Student movements and the charity wings of militant Islamist organizations, as well as those affiliated with Islamist political parties, have been allowed to continue. [...]

In an indication of the growth of Islamist-sectarian parties in Karachi, it is notable that during last year's municipal elections the proscribed Islamist terrorist group Sipah-e-Sahaba, the parent organization of Lashkar-e-Jhangvi, participated under the name Rah-e-Haq, and succeeded in winning nine seats in Karachi's Pashtun majority areas displaying its growing strength and support base (The News, December 7, 2015).<sup>1161</sup>

BBC News reported in a December 2016 article on the situation of political activists in Balochistan province that "Nearly 1,000 dead bodies of political activists and suspected armed separatists have been found in Pakistan's restive Balochistan province over the past six years. Activists say the figures, obtained from the human rights ministry by BBC Urdu, point to large-scale extrajudicial killings. Relatives say most victims had been picked up by security agencies. The government blames the dumped bodies on infighting among insurgent groups".<sup>1162</sup>

The S. Rajaratnam School of International Studies noted in a December 2016 report that "The Muttahida Qaumi Movement (MQM), a political party representing Muhajir interests, achieved electoral success despite suffering arrests of its party workers for being allegedly involved in violence. This underlines the grievances of the Muhajir electorate that ought to be understood and addressed in order to ensure peace in Karachi".<sup>1163</sup>

The 2017 report from the U.S. State Department documented that "there were reports that government security forces caused civilian casualties and engaged in extrajudicial killings during operations against militants. Security forces killed militants throughout the country. There were numerous media reports of police and security forces killing terrorist suspects in "police encounters." Some observers believed security forces orchestrated at least some of these killings".<sup>1164</sup>

It also reported "Some Sindhi and Baloch nationalist groups claimed that authorities marked their members for arrest and detained them based on their political affiliation or beliefs".<sup>1165</sup> Furthermore, "Several domestic intelligence services monitored politicians, political activists, suspected terrorists, NGOs, employees of foreign entities, and media. These services included the Inter-Services Intelligence, police Special Branch, the Intelligence Bureau, and Military Intelligence. There were credible reports authorities routinely used wiretaps, monitored cell phone calls, intercepted electronic correspondence, and opened mail without court approval".<sup>1166</sup>

---

<sup>1161</sup> Jamestown Foundation, [Karachi's Security Crackdown a Boost for Pakistan's Islamists](#), 11 November 2016

<sup>1162</sup> BBC News, [Balochistan war: Pakistan accused over 1,000 dumped bodies](#), 28 December 2016

<sup>1163</sup> S. Rajaratnam School of International Studies (Author), published by ReliefWeb, [Counter Terrorist Trends and Analysis Volume 9, Issue 1](#), January 2017, 3 January 2017, p. 53

<sup>1164</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1a

<sup>1165</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1. Political Prisoners and Detainees

<sup>1166</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 1. f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The Heidelberg Conflict Barometer for 2017 noted that “The violent crisis over national power, the orientation of the political system and ideology between the opposition parties Pakistan Tehreek-e-Insaf (PTI) and Pakistan Awami Tehreek (PAT) as well as the religiously oriented parties Tehreek-i-Labaik Ya Rasool Allah (TLY), Tehreek-e-Khatme-Nabuwwat, and Sunni Tehreek Pakistan (ST), on the one hand, and the government headed by Pakistan Muslim League Nawaz (PML-N), on the other, continued”.<sup>1167</sup> The same source further recorded that:

PTI, PML-N MPs and party supporters clashed repeatedly over the year, often regarding the later dismissed Prime Minister Nawaz Sharif (PML-N). On January 26, members of PTI and PML-N clashed in a session of the National Assembly. Following an aggressive verbal debate and allegedly shouting of slurs from each side, the MPs started a brawl. [...]

On July 28, the Supreme Court removed Sharif over corruption allegations reported in the so-called Panama Papers of 2016. Sharif, three of his children, and his associates such as the Finance Minister Ishaq Dar were referred to the National Accountability Court. Following the Supreme Court's decision, local clashes reportedly erupted in several locations. For instance, in Multan, Punjab province, supporters of PTI and PML-N clashed, leaving at least three people injured. On July 30, PTI held a rally at the capital Islamabad's Parade Ground to celebrate Sharif's disqualification, which thousands of supporters attended.

On September 12, PTI filed two petitions in the Supreme Court against PML-N and Pakistan Peoples Party (PPP), accusing them of receiving foreign funds. After Sharif's National Assembly seat for the constituency NA-120 was vacated, Kul-soon Nawaz, Sharif's wife, ran for the MP seat. PAT and PPP members filed an appeal against her nomination papers, which was dismissed by the Supreme Court on September 18. She won the seat on September 27. On October 3, PAT filed a petition in the Lahore High Court challenging the Election Reforms Act which allowed Sharif to stay president of PML-N despite his disqualification. On November 6, PTI chairman Khan brought the same challenge to the Supreme Court.

In November, the religious parties TLY, Tehreek-e-Khatme-Nabuwwat, and Sunni Tehreek Pakistan protested against an amendment to the Elections Act proposed by the government on October 2, which slightly changed the MPs' mandatory oath of office to confirm their belief in the finality of Prophet-hood. Although the government retracted the amendment two days later, calling it a "clerical error", protests led by TLY started, accusing the Law Minister Zahid Hamid of blasphemy, eventually leading to a two-week long sit-in at Faizabad, an intersection between Rawalpindi and the capital Islamabad, in mid-November. After several ultimatums, the government deployed police officers to disperse the protesters on November 25, resulting in clashes, which left six protesters dead and at least 200 protesters and security officers injured. Subsequently, violent protests occurred throughout the country, for example in Karachi, Sindh, where up to 23 people were injured in clashes between security forces and pro-TLY protesters. The government finally capitulated all the protestors' demands, including Hamid's resignation, in an agreement brokered by the army on November 27.<sup>1168</sup>

The Human Rights Commission of Pakistan (HRCP) noted in a May 2017 article on the enforced disappearance of four political activists in Badin district “In a statement issued on Monday, the Commission stated: “HRCP is appalled to learn of the near simultaneous abduction of four political activists from four different villages in Badin district, late Saturday and early Sunday. The families of Raza Jarwar, Ali Ahmed Bughio, Shadi Khan Soomro and Abdul Aziz Gurghaiz have given somewhat similar accounts of policemen and personnel in black or dark blue uniforms and civilian clothes taking away their relatives. ‘While there is the obvious concern of the families for the victims’ safety and early recovery, HRCP is particularly alarmed over political activists being picked up from different villages in a coordinated manner’”.<sup>1169</sup>

---

<sup>1167</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *India-Pakistan*, p.145

<sup>1168</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *India-Pakistan*, p.145

<sup>1169</sup> Human Rights Commission of Pakistan, [HRCP calls for recovery of 4 activists abducted from Badin](#), 30 May 2017

Human Rights Watch reported in May 2017 on Pakistan's authorities measures to censor and suppress online activity and critical voices:

On May 25, 2017, Pakistan's interior minister announced new rules that would severely restrict online anonymity. These new measures threaten greater censorship, arbitrary arrests of critical internet voices, and violence by militant groups against activists and members of religious minorities.

[...] On May 20, Pakistan's Federal Investigation Agency (FIA) arrested six people for comments made on the internet. An FIA official told Reuters that, "We have received a huge list of suspects, active against national institutions, but we have identified 18 out of over 200 social media activists. They are accused of spreading negative material against the army and other institutions."

On May 25, Interior Minister Chaudhry Nisar Ali Khan announced expanded suppression of social media and the government's intention to clamp down on online anonymity by linking the social media accounts of each user to their cell phone number. This follows previous government efforts to ensure mobile phones are registered with fingerprints so that they can be linked to specific individuals. Khan said he was acting on instructions from Prime Minister Sharif.<sup>1170</sup>

The same source further described cases of intimidation and harassment of opposition party members for comments made online: "Oppositional political parties in Pakistan have alleged that their workers and party members are being intimidated, harassed, and detained for making comments on social media. The Pakistan Tehrik-e-Insaf (PTI) party has claimed that at least two of its members, Owais Khan and Salaar Kakar, had been detained by the FIA for many days before being released without charges being made public. The FIA allegedly picked up Dr. Faisal Ranjha, a supporter of the ruling Pakistan Muslim League (Nawaz) on May 21".<sup>1171</sup>

Amnesty International reported on arbitrary arrests and detention of political opponents in its July 2017 Submission for the UN Universal Periodic Review on Pakistan stating that "Zafar Arif, a 70-year-old professor belonging to the MQM (London) was arrested in Karachi in October 2016 and charged under the Maintenance of Public Order in October 2016. Dr Arif, who suffers from a heart condition, remained in prison until April 2017 without access to necessary medical treatment. Dr Asim Hussain, a senior member of the Pakistan People's Party, was arrested by the Rangers in August 2016 on charges of corruption and treating "terrorists" at his hospital in Karachi. Dr. Hussain, who was facing trial before an anti-terrorism court before he received bail in March 2017, claimed that he was subjected to ill-treatment while in the custody of the Rangers."<sup>1172</sup>

The UN Human Rights Committee's August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned that defamation is criminalized and can be punished with imprisonment, and concerned by reports that criminal laws are improperly used against journalists and dissenting voices. It is also concerned by reports of the way in which the Pakistan Electronic Media Regulatory Authority exercises its powers over the content of media outlets, including suspending over 20 programmes in the past four years; and the lack of clarity about procedural safeguards and oversight mechanisms to ensure that the Regulatory Authority exercises its powers in a way consistent with the principle of freedom of expression. It is further concerned, despite the measures taken by the State party, by repeated reports of disappearance, killing and intimidation of journalists, human rights

---

<sup>1170</sup> Human Rights Watch, [Pakistan: Internet Crackdown Intensifies](#), 26 May 2017

<sup>1171</sup> Human Rights Watch, [Pakistan: Internet Crackdown Intensifies](#), 26 May 2017

<sup>1172</sup> Amnesty International, [Pakistan: Widespread human rights violations continue: Amnesty International Submission for the UN Universal Periodic Review, 28th Session of the UPR Working Group, November 2017 \[ASA 33/6513/2017\]](#), 10 July 2017, p. 8-9

defenders and lawyers by State and non-State actors and the low rate of prosecution and conviction of perpetrators (arts. 6, 7 and 19).<sup>1173</sup>

In December 2017 the Jamestown Foundation reported that:

Pakistan's government faced further embarrassment on November 26 [2017], when Justice Minister Zahid Hamid stepped down under pressure from Islamist protesters who had blocked roads and staged weeks of demonstrations across the country (The News, November 26; Geo News, November 28). The protesters — many of them supporters of the Islamist Tehreek-i-Labaik Ya Rasool Allah political party — were angered by a change to the wording of the oath of office that they claimed was blasphemous. An attempt by police units to disperse protesters in Islamabad resulted in at least six deaths and saw about 200 people injured (Aaj News, November 25; Times of India, November 25). Islamists claimed that “dozens” of had been killed, though that claim has not been confirmed in media reports.<sup>1174</sup>

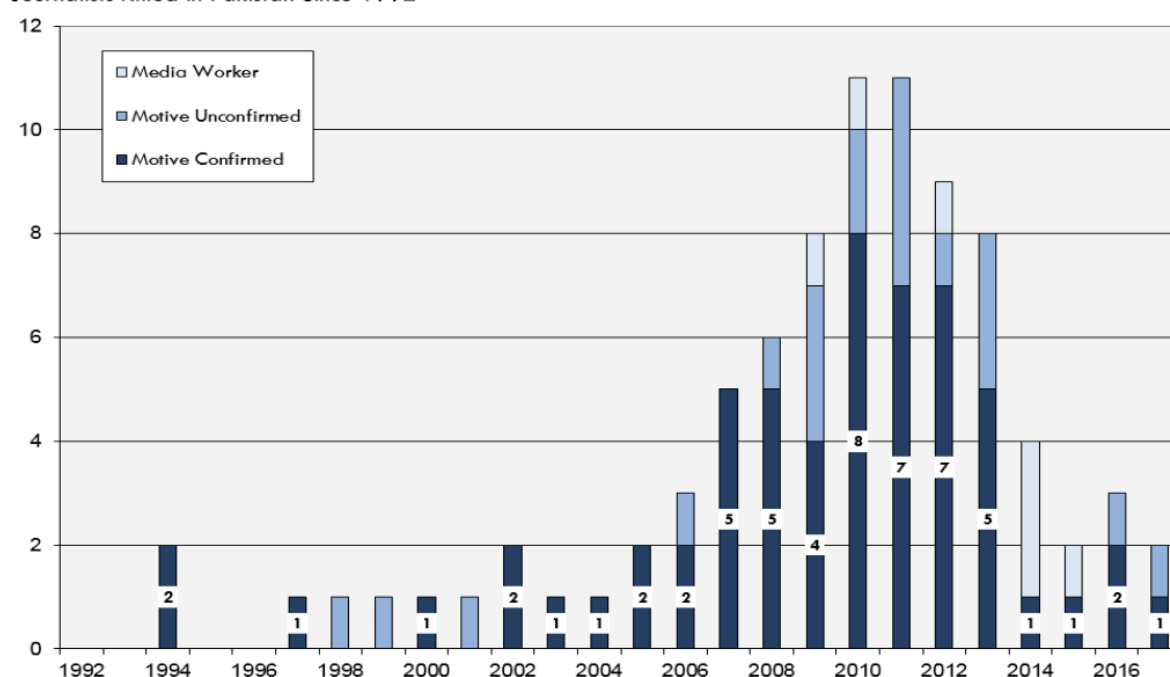
### 13. Treatment of journalists, other media professionals and media organisations

For non-state targeting of journalists, see [4.7.4. Journalists](#)

The Brookings Institution provides the following graph of journalists killed in Pakistan from 1992 to 29 September 2017<sup>1175</sup>:

**FIGURE 5.3**

Journalists Killed in Pakistan Since 1992<sup>40</sup>



**NOTE:** A total of 58 journalists have been killed "motive confirmed" since the Committee to Protect Journalists (CPJ) began tracking in 1992.

Freedom House noted in its annual report on Pakistan covering 2016 that “Pakistan’s journalists, who already face severe obstacles in covering activities of the armed forces, in 2016 came under acute

<sup>1173</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 37

<sup>1174</sup> Jamestown Foundation, [Pakistan: Government Losing Out to the Islamists](#), 9 December 2017

<sup>1175</sup> Brookings Institution, [Afghanistan Index](#), 29 September 2017, Figure 5.3 p.25

pressure to disseminate positive coverage of military operations, with some sources reporting that the military figures issue explicit directives for coverage. While the rate of media workers' killings has declined somewhat in recent years, Pakistan remains among the most dangerous places in the world to practice journalism".<sup>1176</sup>

The same report further detailed the situation of journalists covering the civil and military conflicts in Pakistan in 2016"

Conditions for reporters covering the ongoing civil conflict and military offensive in the Federally Administered Tribal Areas (FATA) and some districts of Khyber Pakhtunkhwa Province remain difficult, with journalists at risk of detention, threats, expulsion, abduction, attacks, and other interference by actors including Taliban militants and local tribal groups, criminal organizations, and the army and intelligence services. Journalists' ability to cover military operations in the FATA is limited, as they can gain official access only if they agree to become embedded with military units, which means that any reporting is subject to potential censorship. Media in general remain much more tightly restricted in the FATA and Balochistan than elsewhere in Pakistan. [...]

Fear of reprisals has caused some journalists to self-censor, particularly on military or intelligence operations, sensitive social or religious issues, and certain militant groups and political parties.<sup>1177</sup>

Radio Free Europe/Radio Liberty reported in an October 2016 article on state-imposed travel ban on a journalist:

"Pakistan has lifted a travel ban imposed on a leading journalist for reporting that civilian officials had argued with the country's powerful military over its alleged covert support for militants. An official memorandum issued by the Interior Ministry stated that it had "been decided to delete the name of Cyril Almeida ... from the Exit Control List." No further details were given on what prompted the government to remove Almeida's name.

Pakistan's Interior Minister Nisar Ali Khan told reporters on October 13 that journalist would not be allowed to leave the country until the completion of a government committee's inquiry into the story, which authorities claim was fabricated. Almeida is a leading columnist and assistant editor at Dawn, one of Pakistan's most-respected English-language dailies.

Human rights activists urged the government immediately to lift travel and other restrictions on Almeida. Almeida's October 6 story was about a high-level security meeting between military and government officials over the possible arrest of members of a militant anti-India group that became very intense".<sup>1178</sup>

The Heidelberg Conflict Barometer for 2017 noted that:

Human rights groups state that Pakistani activists and journalists often find themselves caught between the country's powerful security establishment and Islamist militant groups like the Taliban. Pakistan is ranked among the world's most dangerous countries for journalists, especially in terms of critical reporting on the military. In the past, journalists and activists were abducted, detained, tortured and even killed, while the military denied any involvement in these cases. Human rights groups further stated their concern about the misuse of blasphemy laws on critical online content posted by activists on social media. The situation is further aggravated by the Pakistani government's public demand and encouragement to report blasphemous online content to state authorities.<sup>1179</sup>

The US Department of State annual report on Pakistan covering 2017 provided an overview of the treatment of journalists by state authorities during the year:

---

<sup>1176</sup> Freedom House, [Freedom of the Press 2017 - Pakistan](#), 28 April 2017, *Executive Summary*

<sup>1177</sup> Freedom House, [Freedom of the Press 2017 - Pakistan](#), 28 April 2017, *Political Environment*

<sup>1178</sup> Radio Free Europe/Radio Liberty, [Pakistan Lifts Travel Ban On Journalist](#), 14 October 2016

<sup>1179</sup> Heidelberg Institute for International Conflict Research, [Conflict Barometer 2017](#), February 2018, *Struggling Democratic Process in Pakistan*, p. 33



Security forces, political parties, militants, and other groups subjected media outlets, journalists, and their families to violence and harassment. Female journalists in particular faced threats of sexual violence and harassment, including via social media. Security forces allegedly abducted journalists. Media outlets that did not practice self-censorship were often the targets of retribution. Additionally, journalists working in remote and conflict-ridden areas lacked basic digital security as well as traditional security skills, which placed additional pressure to self-censor or not cover a story.

According to the International Federation of Journalists, state and nonstate actors killed, physically attacked, harassed, intimidated, and kidnapped journalists and subjected them to other forms of pressure. The Committee to Protect Journalists included the country in its annual “impunity index” because the government allowed deadly violence against members of the press to go unpunished. [...] NGO and internet-freedom observers reported that the government intensified its surveillance of activists and journalists online, resulting in disappearances of numerous social media activists. In May the FIA informed media outlets it was investigating as many as 200 social media accounts on charges of “spreading negative material against the army and other institutions.” There were also reports that the government used surveillance software.<sup>1180</sup>

Amnesty International stated in its annual report on Pakistan covering 2017 that “Attacks on freedom of expression continued, particularly against those posting comments online. In January, five bloggers who made anonymous online comments said to be critical of the military were subject to enforced disappearances. Four of the bloggers were later released; two of them later said they had been tortured while in military intelligence custody; the fifth remained disappeared. The draconian Prevention of Electronic Crimes Act of 2016 was used to carry out a number of arrests throughout the year including, in June, the arrest of journalist Zafarullah Achakzai, a reporter for the newspaper Daily Quadrat”.<sup>1181</sup>

According to Human Rights Watch annual report on Pakistan for 2017 “Journalists increasingly practiced self-censorship after numerous attacks by security forces and militant groups in retaliation for critical articles. Media outlets remained under pressure to avoid reporting on or criticizing human rights violations during counterterrorism operations. The Taliban and other armed groups threatened media outlets and attacked journalists and activists because of their work”.<sup>1182</sup>

The same source further stated that “In May [2017], the Federal Investigation Agency’s (FIA) counterterrorism wing summoned Taha Siddiqui, a journalist and the bureau chief for World Is One News (WION), for questioning about opinions expressed in his journalism. The same month, the FIA arrested six people for making “blasphemous” comments on the internet, and the interior minister announced new rules that can severely restrict online anonymity. According to media reports, the FIA interrogated at least 40 people for making comments criticizing the military on the internet, and seized their computers and phones for forensic evaluation”.<sup>1183</sup>

A 2017 joint Submission to the UN Human Rights Committee by the International Freedom of Expression Exchange, Pakistan Press Foundation and the International Network of Human Rights noted on cases of journalists charged with criminal defamation:

---

<sup>1180</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 2. a. Freedom of Speech and Press

<sup>1181</sup> Amnesty International, [Amnesty International Report 2017/18 - The State of the World's Human Rights - Pakistan](#), 22 February 2018, *Freedom of expression*

<sup>1182</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Freedom of Expression and Attacks on Civil Society*

<sup>1183</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Freedom of Expression and Attacks on Civil Society*

In January 2017, journalists Akhlaque Jokhio and Qurban Ali Gadahi faced criminal defamation charges under the Penal Code in front of an Anti-Terrorism Court (ATC). The use of anti-terrorism courts for a case involving defamation is a regressive step, making the enforcement of an already problematic law even more draconian. The Sindh High Court Sukkur set aside the ATC verdict and both journalists were released on bail after three months in prison.

On 19 March 2017, Izhar Mari a reporter of Mahran TV channel was charged under the Anti-Terrorism Act following the complaint of school head master and teachers, about whom he broadcast story.<sup>1184</sup>

In its press freedom report published May 2017 (covering the period 1 January 2016 to 30 April 2017) the Pakistan Press Foundation stated that “On January 2017 Samaa TV’s station head in Sukkur, Sindh was beaten and detained by police from his home. Dozens of police personnel barged into his house in the morning, where he and members of his family were beaten before he was taken away. Imdad had done several unflattering stories about Leader of the Opposition in National Assembly Syed Khurshid Shah. Later in the evening he was released”.<sup>1185</sup>

Radio Free Europe/Radio Liberty reported in a March 2017 article on the arrest of three bloggers for blasphemy charges:

Three Pakistani bloggers have been accused of blasphemy in an Islamabad counterterrorism court, an offense punishable by death.

Police and government officials on March 24 said the charges were set against two bloggers from Pakistan’s southern city of Karachi and one from Islamabad. Officials said they were arrested earlier this week. They are being held for seven days while their online activity is probed, an official said.

One of the bloggers, using the alias Allama Ayaz Nizami, had 12,000 followers, said the official, who did not want to be identified. Authorities said laptops of the detainees had also been seized for forensic analysis.

The arrests come after Prime Minister Nawaz Sharif on March 14 ordered that “blasphemous” content on social-media websites be removed or blocked.<sup>1186</sup>

Reporters Without Borders reported in June 2017 on potential sanctions applied by authorities on Pakistani newspaper Dawn:

Reporters Without Borders (RSF) is opposed to any sanctions by the Pakistani authorities against the Dawn newspaper and two of its journalists, and is disturbed by government plans for a “code of conduct” for the print media.

In a 10 May statement, the government confirmed that disciplinary measures could be taken against Dawn editor Zaffar Abbas and reporter Cyril Almeida over the so- called “Dawn Leaks” affair, an explosive story published in October 2016 based on leaks from within the government.

The prime minister’s office said in a statement that the story “had no relevance to actual discussion and facts.” But the army insisted on the creation of a commission of enquiry with the aim of punishing those who had leaked classified information. Several government officials were removed as a result.

Dawn is Pakistan’s oldest newspaper and enjoys a great deal of credibility with the country’s journalist community, readers and civil society.<sup>1187</sup>

Reporters Without Borders reported in June 2017 on the harassment of journalist Taha Siddiqui by state authorities stating that:

---

<sup>1184</sup> IFEX; PPF - Pakistan Press Foundation; RIDH - International Network of Human Rights (Author), published by HRC – UN Human Rights Council (formerly UN Commission on Human Rights), [Freedom of Expression \(Media Freedom\)](#), 2017, p. 12-13

<sup>1185</sup> Pakistan Press Foundation, [Pakistan Press Freedom Report](#), 3 May 2017, p. 9

<sup>1186</sup> Radio Free Europe/Radio Liberty, [Pakistan Detains Three Bloggers On Blasphemy Charges](#), 25 March 2017

<sup>1187</sup> Reporters Without Borders, [Pakistani government targets country’s oldest newspaper](#), 6 June 2017

Reporters Without Borders (RSF) condemns award-winning journalist Taha Siddiqui's harassment by the Pakistani government and, in particular, the Federal Investigation Agency (FIA), an interior ministry offshoot, and supports his repeated refusal to yield to the threats and pressure.

The Pakistan correspondent of France 24, Babel Press and other international media, Siddiqui began receiving threatening phone calls from the FIA on 18 May in which he was repeatedly ordered to report to the FIA's counter-terrorism department for questioning, although no official grounds were given for the summons.

In response to a petition from Siddiqui, the Islamabad high court asked the FIA to stop harassing him but FIA agents went to his home two days later with a formal summons.<sup>1188</sup>

The UN Human Rights Committee also noted with regards to criminal defamation in its Concluding observations on the initial report of Pakistan, dated August 2017 that:

The Committee is concerned that defamation is criminalized and can be punished with imprisonment, and concerned by reports that criminal laws are improperly used against journalists and dissenting voices. It is also concerned by reports of the way in which the Pakistan Electronic Media Regulatory Authority exercises its powers over the content of media outlets, including suspending over 20 programmes in the past four years; and the lack of clarity about procedural safeguards and oversight mechanisms to ensure that the Regulatory Authority exercises its powers in a way consistent with the principle of freedom of expression. It is further concerned, despite the measures taken by the State party, by repeated reports of disappearance, killing and intimidation of journalists, human rights defenders and lawyers by State and non-State actors and the low rate of prosecution and conviction of perpetrators (arts. 6, 7 and 19).<sup>1189</sup>

Reporters Without Borders noted on the treatment of journalists by security forces in Sindh province that "Another *Sindh Express* reporter, Ghulam Rasool Burfat, was reported missing on 5 August [2017]. Based in Jamshoro, a city 15 km west of Hyderabad, he is said to have been investigating the province's separatist movements a little too closely. Four days after his abduction, masked gunmen abducted Badal Nohani, the secretary-general of the Jamshoro Press Club".<sup>1190</sup>

Dawn reported in January 2018 on the closure of Radio Mashaal by the Ministry of the Interior stating that "The Interior Ministry [...] ordered to close down operations of *Radio Mashaal*, a Pashto language broadcaster linked to the US-funded *Radio Free Europe*, on recommendations of the Inter-Services Intelligence (ISI). A notification issued by the ministry, directed towards Islamabad chief commissioner and police chief, said that as per an ISI report, the radio airs programmes 'found against the interests of Pakistan and in line with hostile intelligence agency's agenda'. It said that the four main themes of the programmes aired by the service include 'portraying Pakistan as a hub of terrorism and safe haven for militant groups, propagating Pakistan as a failed state in terms of providing security to its minorities and Pakhtuns, presenting the Pakhtuns of Khyber Pakhtunkhwa (KP), Federally Administered Tribal Areas (Fata) and Balochistan as being disenchanted with the state, and distorting facts to incite people against state and its institutions'.<sup>1191</sup>

Radio Free Europe/Radio Liberty further reported in January 2018 on the pressure faced by reporters of Radio Mashaal from authorities: "RFE/RL has voiced concern that members of its Radio Mashaal unit are facing pressure from authorities in Pakistan after the closure of the Pashto-language service's Islamabad office last week. In a statement on January 26, RFE/RL President Thomas Kent said there were indications that authorities were seeking to compel staffers to make forced statements against the news organization. On January 19, Pakistan's Interior Ministry ordered the closure of the bureau

<sup>1188</sup> Reporters Without Borders, [RSF supports Pakistani reporter refusing to bow to military](#), 14 June 2017

<sup>1189</sup> UN Human Rights Committee, [Concluding observations on the initial report of Pakistan \[CCPR/C/PAK/CO/1\]](#), 23 August 2017, paragraph 37

<sup>1190</sup> Reporters Without Borders, [Security forces abduct two journalists in Pakistan's Sindh province](#), 9 March 2018

<sup>1191</sup> Dawn, [Interior ministry shuts down Radio Mashaal following ISI report](#), 19 January 2018

after Pakistan's Inter-Services Intelligence (ISI) agency accused Mashaal of airing programs that are "against the interest of Pakistan" and "in line with [a] hostile intelligence agency's agenda." Kent deplored the decision, which comes amid increasing tensions between Islamabad and Washington, saying that "Radio Mashaal serves no intelligence agency or government." On January 25, Islamabad appeared to offer another reason for the closure of Mashaal".<sup>1192</sup>

Reporters Without Borders reported in a March 2018 article on the arrest of two journalists in Sindh province stating that

Reporters Without Borders (RSF) calls for the immediate release of two Pakistani journalists held on spurious charges by the police in the southeastern province of Sindh. Both were initially the victims of enforced disappearances before the police eventually acknowledged holding them.

Rafaqat Ali Jarar, the *Daily Koshish* correspondent in Tanda Bago, a small town 100 km southeast of Hyderabad, was kidnapped by gunmen on 15 February. It was only on 2 March that the police admitted having him in their custody. He is now charged with terrorism and, according to the Sindh security forces, was part of a group created by India's counter-intelligence agency, Research and Analysis Wing (R&AW). However, little is known about this group.

Kamran Sahito, who works for the *Sindh Express* newspaper and *BOL TV*, was kidnapped in similar circumstances on 6 February in Hyderabad, the province's second largest city. The police repeatedly denied holding him but his father filed a complaint with a Hyderabad court and, on 28 February, a judge ordered the police to produce him within three days.

Although his colleagues emphasize his professionalism as a journalist, he is now charged with burglary.<sup>1193</sup>

The same article noted with regards to the treatment of journalists by security forces in Sindh province that "Investigative journalists are constantly harassed by the security forces in Sindh, a province still marked by feudalism and tribal conservatism. Jarar's brother, fellow journalist Nasrullah Jarar, told RSF [Reporters Sans Frontiers] that his brother's abduction was a reprisal for his investigative coverage of complaints by local cane sugar producers about their treatment by major landowners with links to provincial politicians. Sahito's father said he was concerned for his son's safety and feared that he could be used as an example to intimidate other journalists in the province".<sup>1194</sup>

## 14. Treatment of human rights defenders and civil society organisations

See section [4.7.5 Other targets of attacks](#) for evidence of non-state agents targeting this profile.

Amnesty International reported in its annual report on Pakistan covering 2016 that "State and non-state actors continue to harass, threaten, detain and kill human rights defenders, especially in Balochistan, FATA and Karachi. [...] In September, the Home Ministry shut down Taangh Wasaib, an NGO working for women's rights and against religious intolerance, stating that it was involved in "dubious activities"". <sup>1195</sup>

The Asian Legal Resource Centre noted that "According to the 2016 annual report of Front Line Defenders, three human rights defenders were killed in Pakistan in 2016. Many others suffered from harassment, detention, or were subjected to smear campaigns and other violations. The failure of the

---

<sup>1192</sup> Radio Free Europe/Radio Liberty, [RFE/RL Says Mashaal Reporters Facing Pressure From Authorities](#), 26 January 2018

<sup>1193</sup> Reporters Without Borders, [Security forces abduct two journalists in Pakistan's Sindh province](#), 9 March 2018

<sup>1194</sup> Reporters Without Borders, [Security forces abduct two journalists in Pakistan's Sindh province](#), 9 March 2018

<sup>1195</sup> Amnesty International, [Amnesty International Report 2016/17 - The State of the World's Human Rights - Pakistan](#), 22 February 2017, *Human rights defenders*, p. 286 and 287

police to investigate or protect defenders from threat and harassment has led to increased selfcensorship, a breakdown in activist networks and human rights defenders fleeing the country”.<sup>1196</sup>

The Asian Human Rights Commission documented the harassment of a human rights defender by police in September 2016:

On 2 September 2016, a team of police was seen in the vicinity of the home of human rights defender Dr. Rubina Feroze Bhatti, and questioned her house maid of her whereabouts. The previous day, police shut down the NGO of the human rights defender, Taangh Wasaib Organization (TWO), and temporarily detained eight of its staff members.

On 1 September 2016, police went to TWO’s office at Gushan-e-Bashir, Sargodha, and stated they were there to shut down the office. The staff asked the police to show orders to this effect, which they did not. The police locked the offices of TWO and temporarily detained eight staff members: Mr. Naveed Sardar, Mr. Mohsin Noor, Mr. Azeem Khan, Mr. Zaib Nawaz, Mr. Ijaz Ahmed, Mr. Haider Ali, Mr. Muhammad Shafique and Mr. Meherban in Sargodha police station. The police asked the staff members for the whereabouts of Rubina Feroze Bhatti.

On 5 August 2016 Rubina Feroze Bhatti met with an inspector from the Ministry of Interior in Lahore, who told her that a complaint had been filed against TWO, alleging that the organisation preached Christianity and defamed the country. The human rights defender rejected these allegations and provided details about her NGO’s work, particularly its long-term efforts for communal interfaith harmony. On 9 August 2016, the inspector along with another colleague visited the office of TWO in Sargodha, without prior notice, to collect more information for their investigation.<sup>1197</sup>

The US Department of State annual report on Pakistan covering 2017 stated that Although some domestic and international human rights groups operated without significant government restriction, investigating and publishing their findings on human rights cases, the government increasingly restricted the operating ability of NGOs. Some groups that implicated the government, military, or intelligence services in misdeeds or worked on issues related to IDPs, conflict areas, or advocacy reported their operations were at times restricted. These groups faced numerous regulations regarding travel, visas, and registration that hampered their efforts to program and raise funds. International staff members of organizations, including those from the few successfully registered INGOs, continued to face delays or denials in the issuance of visas and no-objection certificates for in-country travel. The domestic NGO registration agreement with the government requires NGOs to “not use controversial terms like Peace and Conflict Resolution, IDPs, etc. in your annual reports or any other documents/correspondence/agreements.” Very few NGOs had access to KP, FATA, and certain areas in Balochistan”.<sup>1198</sup>

A February 2017 Asian Legal Resource Centre report provided an overview of attacks on human rights defenders:

The year 2017 has begun with a crackdown on intellectuals and freedom of expression. Five human rights activist who were staunch critics of state policies were disappeared within a week. All of them were active on social media against state atrocities, particularly in Balochistan. Already being a dangerous place for journalists, the Pakistan state is now extending its influence over digital space, the

---

<sup>1196</sup> Asian Legal Resource Centre (Author), published by HRC – UN Human Rights Council (formerly UN Commission on Human Rights), [Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status \[13 February 2017\] \[A/HRC/34/NGO/105\]](#), 20 February 2017, p. 2

<sup>1197</sup> Asian Human Rights Commission, [Harassment of human rights defender Dr. Rubina Feroze Bhatti and closure of her organization](#), 7 September 2016

<sup>1198</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

last avenue of free speech. The state has been using harassing tactics against several reputed and prominent human rights activists running their NGOs, including Ms. Bushra Khaliq of Women In Struggle for Empowerment (WISE) Mr. Zar Ali Afridi of FATA Commission of Human Rights, Federally Administered Tribal Areas, Pakistan Institute of Labour Education and Research (PILER) and Mr. Mohammad Tehseen of South Asia Partnership Pakistan (SAPP). Ms. Bushra of WISE is under the investigation of Punjab Police and the Intelligence Bureau (IB); however, she has not been informed of the charges on which the investigation has started and why her organization has been banned. Ms. Bushra is also the focal person of Anti Torture Alliance of Pakistan (ATA), which documents the cases of torture and runs a rehabilitation centre for torture victims.<sup>1199</sup>

With regards to the situation in Balochistan the Asian Legal Resource Centre report stated that “Although Balochistan has always been the Achilles heels for the establishment, it is now using the tactic of enforced disappearance against bloggers and social media activists who dare speak against the state atrocities. Supporting the Baloch cause has become a de facto crime. The National Action plan (NAP), a counter insurgency plan by the civil military alliance that was conceived following the Peshawar army public school massacre, also enunciated curbs on free speech, although those were originally meant to reduce space for hate speech. Instead, many journalists, especially from Balochistan, found themselves threatened into silence for speaking against Baloch ethnic cleansing”.<sup>1200</sup>

The World Organisation Against Torture reported in May 2017 on an armed attack against a human rights defender

The Observatory [The Observatory for the Protection of Human Rights Defenders] has been informed by reliable sources about the gunshot attack against human rights defender Mr. Imran Anjum, the founder and Executive Director of Peaceful & Active Center for Humanity (PEACH). Over the past 12 years, Mr. Anjum has advocated for the defence of bonded labourers in the brick-kiln sector of Pakistan, and is presently focusing on the rights of bonded labourers in Punjab.

According to the information received, on May 8, 2017, at around 8 pm, two unidentified masked men broke into Mr. Imran Anjum’s house in Habib Town, Sahiwal, and opened fire on him. Mr. Imran Anjum was shot twice. Chased by the neighbours, the unidentified men managed to escape. This shooting happened in a context of continued threats and acts of harassment against Mr. Imran Anjum for his work as a human rights defender, namely regarding labour rights (See background information).

A few days before this incident, on May 4, 2017, Mr. Imran Anjum and his co-workers had held a demonstration demanding justice for Mr. Mashal Khan, a 23-year-old Pashtun and Muslim student at Abdul Wali Khan University, Mardan, Pakistan, who was killed by a vigilante mob in the University’s premises on April 13, 2017. At the end of the demonstration, Mr. Imran Anjum was followed up to his home by two unidentified men on motorbikes.<sup>1201</sup>

The July 2017 Concluding observations of the UN Committee on Economic, Social and Cultural Rights found that:

The Committee is deeply concerned at repeated reports of abduction, killings and intimidation of human rights defenders, particularly those fighting for economic, social and cultural rights, allegedly committed in some cases by State agents, including members of military intelligence services.<sup>1202</sup>

---

<sup>1199</sup> Asian Legal Resource Centre (Author), published by HRC – UN Human Rights Council (formerly UN Commission on Human Rights), [Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status \[13 February 2017\] \[A/HRC/34/NGO/105\]](#), 20 February 2017, p. 2

<sup>1200</sup> Asian Legal Resource Centre, [Persecution of Human Rights Defenders deserves effective international intervention](#), 22 February 2017

<sup>1201</sup> World Organisation Against Torture, [Pakistan: Gunshot attack against Mr. Imran Anjum](#), 19 May 2017

<sup>1202</sup> UN Committee on Economic, [Social and Cultural Rights, Concluding observations on the initial report of Pakistan](#), 20 July 2017, paragraph 13



Amnesty International stated in its Submission for the UN Universal Periodic Review, dated July 2017 that “Sections of local media have incited violence against human rights defenders, accusing them of “anti-state” activities and “blasphemy”. One programme in particular, “Aisay Nahi Chalay Ga”, aired on Bol television, accused the human rights defenders who had gone missing in January 2017, as well as other activists and journalists, of blasphemy”.<sup>1203</sup>

The UN Human Rights Committee’s August 2017 Concluding observations with respect to the International Covenant on Civil and Political Rights stated that:

The Committee is concerned that the Policy for Regulation of International Non-Governmental Organizations in Pakistan may, contrary to its intention, constrict the registration of international non-governmental organizations (NGOs) and their activities. It is particularly concerned by the broad and vague grounds for cancellation of the registration of these organizations (arts. 18, 19 and 22).<sup>1204</sup>

In its annual report on Pakistan covering 2017 Amnesty International provided an overview of the situation of human rights defenders that “[...] lawyers, activists and other human rights defenders faced harassment, intimidation, threats, violence and enforced disappearance. [...] Human rights defenders criticized on television and on social media faced death threats, forcing some to self-censor and to seek protection for their physical safety”.<sup>1205</sup>

The International Commission of Jurists noted in a March 2017 report that “Pakistan has increased its clamp down on human rights defenders, even attempting to shut down NGOs for reasons such as the NGO “presenting a very bleak picture of human rights” to the UN. State agents have subjected human rights defenders exercising their right to freedom of expression and peaceful assembly to excessive force and even prosecution under Pakistan’s anti-terrorism laws. Others have been assaulted, killed or forcibly disappeared. Not a single perpetrator has been successfully brought to justice”.<sup>1206</sup>

Front Line Defenders reported in its submission to the Universal Periodic Review on Pakistan, published March 2017 that “In Balochistan, Khyber Pakhtunkhwa (KP), and the Federally Administered Tribal Areas (FATA), security agencies, religious groups, militants, and armed gangs all target HRDs [Human Rights Defenders]. Brutal sectarian violence and numerous killings of HRDs in Balochistan have forced most NGOs to close their offices and relocate their staff outside the area. HRDs working to defend the rights of women in the tribal areas where extremist groups operate face the highest risks”.<sup>1207</sup>

BBC News reported in a March 2017 article that “A liberal Pakistani activist who went missing earlier this year has said a “government institution” with links to the military held him and tortured him. Waqass Goraya, one of five activists who disappeared in early January, told the BBC he was tortured “for pleasure”. The activists were freed after several weeks - but until now none of them has said who was behind their mistreatment. Pakistan’s army has previously denied any involvement in the case. There were vocal protests seeking their release. Pakistan is one of the world’s most dangerous countries for reporters and human rights activists, and critics of the powerful military have been

---

<sup>1203</sup> Amnesty International, [Pakistan: Widespread human rights violations continue: Amnesty International Submission for the UN Universal Periodic Review, 28th Session of the UPR Working Group, November 2017 \[ASA 33/6513/2017\]](#), 10 July 2017, p. 6

<sup>1204</sup> UN Human Rights Committee, [International Covenant on Civil and Political Rights, Concluding observations on the initial report of Pakistan](#), 23 August 2017, paragraph 39

<sup>1205</sup> Amnesty International (AI), [Amnesty International Report 2017/18 - The State of the World's Human Rights – Pakistan](#), 22 February 2018, *Human rights defenders*

<sup>1206</sup> International Commission of Jurists, [Pakistan: human rights defenders, blasphemy laws, and counter-terrorism](#), 15 March 2017

<sup>1207</sup> Front Line Defenders, [Submission to the 28th Session of the Universal Period Review, November 2017](#), 30 March 2017, paragraph 2

detained, beaten or killed. Waqass Goraya - who now lives in the Netherlands - told the BBC he had been tortured "beyond limits". He described being punched, slapped and forced into stress positions during the three weeks he was held. He worried he would never be released".<sup>1208</sup>

In its Concluding observations on the initial report of Pakistan, dated June 2017, the UN Committee Against Torture stated that "The Committee is concerned about continued reports of intimidation and harassment, including physical attacks and administrative detention, of human rights defenders, lawyers and journalists and their family members. The reports include the cases of human rights defenders Waqas Goraya, Aasim Saeed, Salman Haider and Ahmad Raza Naseer, who were allegedly abducted by State agents in January 2017, and journalist Zeenat Shahzadi, who was allegedly subjected to enforced disappearance in August 2015. The Committee is also concerned by the lack of information provided by the State party concerning any investigations into such allegations".<sup>1209</sup>

In its annual report on Pakistan Human Rights Watch documented attacks on civil society during 2017 stating that "In January, security forces abducted five men—Salman Haider, Waqas Goraya, Aasim Saeed, Ahmed Raza Naseer, and Samar Abbas—who were vocal critics of militant religious groups and Pakistan's security establishment. Four were released after three weeks of public protests. Samar Abbas remained forcibly disappeared at time of writing. In August, plainclothes men accompanied by police officials picked up Punhal Sario, a human rights activist and campaigner for victims of enforced disappearances; Partab Shivani, a teacher and activist; Naseer Kumbhar, a writer; and Muhammad Umar, a political party worker, from different cities in Sindh province. The same month, security forces raided the home of Amar Sindhu, a well-known poet in Sindh province. Sario returned home in October".<sup>1210</sup>

The same source further noted that "Human Rights Watch received several credible reports of intimidation, harassment, and surveillance of various NGOs by government authorities. The government used the 'Regulation of INGOs in Pakistan' policy to impede the registration and functioning of international humanitarian and human rights groups".<sup>1211</sup>

Amnesty International provided an overview of enforced disappearances of human rights defenders during 2017:

Defenders continued to be subjected to enforced disappearances, but some also reappeared. Raza Khan, a Lahore-based peace activist, was subjected to an enforced disappearance in December. Punhal Sario, a campaigner against enforced disappearances in Sindh province, went missing in August. He returned home in October. Zeenat Shahzadi, the first female journalist to be forcibly disappeared, was found near the Afghanistan border in October, 26 months after she went missing in Lahore. She disappeared again in November; her whereabouts remained unknown at the end of the year. In October and November, dozens of Sindhi and Baloch defenders were subjected to enforced disappearances by Pakistani security forces. Some returned to their homes days later, but others remained missing at the end of the year.<sup>1212</sup>

---

<sup>1208</sup> BBC News, [Pakistan activist Waqass Goraya, The state tortured me](#), 9 March 2017

<sup>1209</sup> UN Committee Against Torture, [Concluding observations on the initial report of Pakistan \[CAT/C/PAK/CO/1\]](#), 1 June 2017, *Reprisals against and harassment, intimidation and arrest of human rights defenders, lawyers and journalists*, paragraph 22

<sup>1210</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Freedom of Expression and Attacks on Civil Society*

<sup>1211</sup> Human Rights Watch, [World Report 2018 – Pakistan](#), 18 January 2018, *Freedom of Expression and Attacks on Civil Society*

<sup>1212</sup> Amnesty International (AI), [Amnesty International Report 2017/18 - The State of the World's Human Rights – Pakistan](#), 22 February 2018, *Human rights defenders*

In October 2017 Human Rights Watch described the treatment of human rights defenders by state authorities stating that

Authorities in Pakistan have increased restrictions on human rights defenders and attempted to stop the operation of certain nongovernmental organizations for reasons such as “presenting a very bleak picture of human rights” to the UN. In some cases, state agents have perpetrated human rights violations against human rights defenders: activists exercising their right to freedom of expression and peaceful assembly have been subjected to unjustified or excessive force by the police and even prosecuted under Pakistan’s anti-terrorism laws; and many have been attacked, killed, or forcibly disappeared. The onerous and opaque procedures of the international nongovernmental organizations (INGO) policy, coupled with the vague, arbitrary, and at times unlawful reasons for refusing or cancelling INGO registrations, have also resulted in severe restrictions on the rights to freedom of association for people working for INGOs.<sup>1213</sup>

Amnesty International further reported that “In October and November [2017], dozens of Sindhi and Baloch defenders were subjected to enforced disappearances by Pakistani security forces. Some returned to their homes days later, but others remained missing at the end of the year. Space for civil society continued to shrink as the Interior Ministry used broad powers to undermine the ability of human rights defenders and NGOs to work independently. In November, the Ministry of the Interior ordered 29 international NGOs to halt their operations and leave the country within days”.<sup>1214</sup>

Human Rights Watch reported in December 2017 on Pakistan’s government decision to close several international NGOs: “The Pakistani government’s decision to shut down at least 10 organizations without providing valid reasons violates rights to freedom of expression and association, Human Rights Watch said today. Organizations affected include prominent groups working on human rights, humanitarian assistance, and development issues.

On December 14, 2017, several international nongovernmental organizations (INGOs), including Open Society Foundations and ActionAid, told the media that they had received letters from the federal government rejecting their applications for registration. The government has not published the list of affected groups, but according to media reports, none have been provided with reasons for the decision”.<sup>1215</sup>

Reuters also reported on the closure of NGO’s in a December 2017 article:

Pakistan has ordered 27 international aid groups to shut down for working in unauthorized areas, spurring human rights campaigners to denounce swelling constraints on free speech and humanitarian work. The Ministry of Interior gave the 27 NGOs 90 days to conclude operations, according to a list seen by Reuters. Among those being expelled are Action Aid, World Vision, Plan International, Trocaire, Pathfinder International, Danish Refugee Council, George Soros’ Open Society Foundations, Oxfam Novib, and Marie Stopes.

Talal Chaudhry, Pakistan’s Minister of State for Interior Affairs, told Reuters the reason for shutting down the NGOs was because they were doing work in Pakistan “which is beyond their mandate and for which they have no legal justification”.

He declined to give specific examples, but said the targeted NGOs spend “all their money” on administration, are not doing the work they said they were doing, and are working in areas where they were not authorized.

---

<sup>1213</sup> Human Rights Watch, [Pakistan: Election to UN Rights Body Spotlights Failings](#), 18 October 2017

<sup>1214</sup> Amnesty International (AI), [Amnesty International Report 2017/18 - The State of the World's Human Rights – Pakistan](#), 22 February 2018, *Human rights defenders*

<sup>1215</sup> Human Rights Watch, [Pakistan: Government Shuttters International Groups](#), 17 December 2017

The Pakistan Humanitarian Forum (PHF), which represents 63 international aid groups, said the ministry had issued 11 of its members “letters of rejection”. All of them said they will appeal. No reason for the rejections have been provided, the forum said.<sup>1216</sup>

Reuters further described the situation of human rights defenders in 2017 stating that:

The clampdown on NGOs has come after a number of activists disappeared this year, some of whom have not been heard from. Reuters estimates at least 14 people have been picked up and interrogated from major urban centers including journalists, political workers, and social media activists.

Three members of the Human Rights Commission of Pakistan (HRCP) have also disappeared in the past year, chairperson Mehdi Hasan told Reuters.

Human rights campaigners say the crackdown on NGOs and disappearances of civil society activists are part of a wider campaign to quell free speech.

“They both signify the shrinking space for free expression and activism in Pakistan and the diminishing tolerance the Pakistan state has,” Saroop Ijaz, a representative for the Pakistan chapter of Human Rights Watch, told Reuters.

Yusuf, who formerly served as HRCP chairperson, said Pakistan feels it has impunity in dealing with rights groups and activists. “Its [sic] the repositioning of Pakistan as a security state and perceiving all forms of dissent as a security challenge,” Yusuf said. “It’s creating a lot of fear in society”.”<sup>1217</sup>

Radio Free Europe/Radio Liberty reported in a March 2018 article on the return of Samar Abbas, an activist who has been missing for a year:

A missing Pakistani activist has returned home more than one year after he was allegedly picked up by the country’s military spy agency for criticizing the army, fellow activists said on March 10.

“Samar Abbas has returned home and he is safe,” said Talib Abbas, the activist’s colleague at the Civil Progressive Alliance Pakistan, the organization they worked for.

Samar Abbas went missing mysteriously in January 2017 while visiting Islamabad along with four other activists and bloggers whose writing was critical of the army’s interference in politics.

Television commentators thought to be close to the Inter-Services Intelligence (ISI) spy agency later accused Abbas and others of being behind a Facebook page which they said had committed blasphemy. [...] Abbas's colleague Talib did not say exactly when he returned home, but The Express Tribune newspaper reported he was released on the outskirts of the southern city of Karachi on March 6.<sup>1218</sup>

A further March 2018 IRIN article reported on Pakistan’s NGO crackdown:

Pakistan’s government has slapped punitive taxes on NGOs, threatened to shut down international organisations that don’t meet opaque new registration requirements, and launched a separate graft investigation across the sector. International NGOs work in key sectors including disaster response and health in places like Bhagwal, where government services don’t always reach. Advocates warn that millions of people across the country could face new risks.

The volatile environment has forced many local NGOs dependent on donor funding to claw back their services, says Syed Kamal Shah, who heads Rahnuma, the family planning NGO that runs the free health clinic in Bhagwal village. Shah says his organisation can only accept funding from international NGOs whose registration has been approved by the government. But with only half of the 139 international NGOs in Pakistan so far granted approval, funding sources are increasingly limited.

“This is impacting thousands of [our] beneficiaries in remote areas of the country, but we are helpless,” Shah told IRIN.<sup>1219</sup>

---

<sup>1216</sup> Reuters, [Pakistan closes 27 NGOs in what activists see as widening crackdown](#), 22 December 2017

<sup>1217</sup> Reuters, [Pakistan closes 27 NGOs in what activists see as widening crackdown](#), 22 December 2017

<sup>1218</sup> Radio Free Europe/Radio Liberty, [Pakistani Activist Critical Of Military Returns After Disappearing A Year Ago](#), 10 March 2018

<sup>1219</sup> IRIN, [Pakistan’s NGO crackdown prompts widening alarm among aid workers](#), 6 March 2018

## 15. Treatment of internally displaced persons

For information forced displacement as a result of actions by non-state armed groups, see [4.2. Forced displacement](#)

For an overview of the humanitarian situation for IDPs, see [1.2.1. Humanitarian situation faced by IDPs](#).

The US Department of State annual report on Pakistan covering 2016 noted with regards to Internally Displaced Persons that “Large population displacements continued as a result of militant activity and military operations in FATA [Federally Administered Tribal Areas]. The government and UN agencies such as UNHCR and the UN Children’s Fund (UNICEF) collaborated to assist and protect those affected by conflict. Once evacuated, internally displaced persons (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 had been vulnerable to the disease due to the Taliban-imposed ban on immunizations in their home regions. 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. Those displaced by conflict generally resided with host families, in rented accommodations, or to a lesser extent, in camps. Several IDP populations settled in informal settlements outside of major cities such as Lahore and Karachi”.<sup>1220</sup>

An August 2016 UNOCHA assessment of IDPs and returnees in conducted in five agencies of FATA, (Khyber, Kurrum, Orakzai, SWA and NWA), and five districts of Khyber Pakhtunkhwa (Peshawar, Kohat, Bannu, DI Khan and Tank) stated that “Of the interviewed households 77 per cent were registered, 11 per cent were unregistered, and the remaining 11 per cent were initially registered but were blocked. Blocked IDPs were not receiving assistance at the time of the survey”.<sup>1221</sup>

In a December 2016 article Dawn reported that “The women rights activists have demanded of the government to formulate a national policy for internally displaced persons (IDPs) to ensure their equal rights and treatment as citizens during crisis. Speaking at the launch of the Women’s Regional Network report on “Women in conflict: voices for the equality”, rights activist and WRN core member Rukhshinda Naz said that tribal women were affected by extremism and conflict but they lacked representation in any committee set up to take up the issues of IDPs with the government and international bodies”.<sup>1222</sup>

Dawn reported in January 2017 on Pakistan’s government decision to deregister IDPs who were unwilling to return to the Federally Administered Tribal Areas (FATA):

The government has decided to deregister the internally displaced families disinclined to return to native towns in Fata.

The decision was made during a meeting here on Thursday, which discussed the return, rehabilitation and other issues related to militancy-hit people of Fata.

KP Governor Iqbal Zafar Jhagra chaired the meeting, said an official statement.

“The families living intentionally as temporarily dislocated persons would be deregistered just on a notice of four weeks time and the public would be informed through media in this respect”, it added.

An official privy to the meeting told Dawn that despite clearance of the areas, many displaced persons intentionally wanted to live as internally displaced persons.

---

<sup>1220</sup> US Department of State, [Country Report on Human Rights Practices 2016 - Pakistan](#), 3 March 2017, Section 2. Internally Displaced Persons

<sup>1221</sup> United Nations Office for the Coordination of Humanitarian Affairs, [Pakistan: Multi-Cluster Assessment of IDPs and Returnees KP/FATA August 2016](#), 09 November 2016, p. 5

<sup>1222</sup> Dawn, [National policy sought for IDPs](#), 21 December 2016

[...] Orakzai Agency is among the areas, which have been cleared from militants but displaced families are unwilling to go there, he said, adding that the government would deregister them as IDPs.

Like Orakzai, other parts of Fata including North Waziristan, South Waziristan, Khyber and Kurram have been de-notified as conflict zones.

The government is paying Rs12,000 cash to each dislocated family of North Waziristan Agency while IDPs from other tribal agencies are provided edible items like cooking oil, wheat flour and few other items.

However, IDPs and those, who recently returned to Mirali and Miramshah sub-divisions of North Waziristan Agency, complained that the cleared areas didn't have basic facilities like drinking water, shelter, electricity, education and health.<sup>1223</sup>

The US State Department noted in its 2017 Trafficking in Persons report published in June 2017 that "Pakistan's large number of IDPs, due to natural disasters and domestic military operations, are vulnerable to trafficking"<sup>1224</sup> The 2017 U.S. State Department Pakistan report on human rights practices noted that "According to civil society sources, 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".<sup>1225</sup>

In a report on the humanitarian situation in Pakistan during the first half of 2017 UNICEF noted with regards to internally displaced persons that "Since 16 March 2015, a total of 259,360 families have returned to their places of origin in FATA [Federally Administered Tribal Areas]. However, 45,488 families are still displaced, all living in host communities, and continue to require humanitarian support. The risks that these vulnerable populations face are worsened by the limited access to basic services, especially in FATA where protracted instability and ensuing access issues have negatively impacted the service delivery capacity and infrastructure".<sup>1226</sup>

In its concluding observations on the initial report of Pakistan, dated July 2017, the UN Committee on Economic, Social and Cultural Rights stated that "The Committee is concerned that millions of people have been displaced in the State party and that not enough data have been collected on internally displaced persons, nor has legislation or a comprehensive national policy on such persons been put into place. It is also concerned about the hardships faced by those living in camps for internally displaced persons, particularly those in situations of protracted displacement; the high risk of women and girls being exposed to sexual abuse, harassment and trafficking; and the slow resettlement process (arts. 2 and 11)".<sup>1227</sup>

According to UNHCR's Protection Cluster Strategy for 2017-2019, published October 2017 "IDPs and returning displaced women continue to be exposed to grave risks of abuse and different forms of gender-based violence. Women and girls often find themselves dependent on others. Women have lost their capacity to sustain their families' livelihood due to loss of seeds, livestock, and tools. Reportedly, negative coping mechanisms have developed among the majority of the women who require structured psychosocial support and life-skills development activities".<sup>1228</sup>

---

<sup>1223</sup> Dawn, [IDPs unwilling to return will be deregistered](#), 06 January 2017

<sup>1224</sup> US State Department, [2017 Trafficking in Persons Report](#), 27 June 2017

<sup>1225</sup> U.S. Department of State, [Country Report on Human Rights Practices 2017 – Pakistan](#), 20 April 2018, Section 6

<sup>1226</sup> UN Children's Fund (UNICEF), [Pakistan Humanitarian Situation Report, 1 January – 30 June 2017](#), 30 June 2017, p. 2

<sup>1227</sup> UN Committee on Economic, Social and Cultural Rights, [Concluding observations on the initial report of Pakistan \[E/C.12/PAK/CO/1\]](#), 20 July 2017, Human rights defenders, paragraph 27

<sup>1228</sup> UN High Commissioner for Refugees, [Pakistan: Protection Cluster Strategy, 2017 - 2019; From displacement to sustainable return](#), 24 October 2017, p. 4



The same source further noted that “In the context of FATA [Federally Administered Tribal Areas], a majority of the root causes to GBV [Gender Based Violence] are rooted in century’s old harmful traditional practices and the absence of law and administration of justice. For example, in some cases, young girls are denied to have access to school education, or either dropped out as soon as they reach puberty or even before, which is also a type of gender discrimination that begins at the family level. Moreover, women and girls become dependent upon men and enjoy inferior status as a consequence of socially and culturally defined roles and responsibilities, expectation and limitations and more importantly choices. GBV types reported during IDPs’ Vulnerability Assessment Profiling (IVAP) include but are not limited to physical assault, emotional violence, child marriage, female trafficking, and domestic violence, denial of health services, honour-related crimes, rape, and domestic violence”.<sup>1229</sup>

---

<sup>1229</sup> UN High Commissioner for Refugees, [Pakistan: Protection Cluster Strategy, 2017 - 2019; From displacement to sustainable return](#), 24 October 2017, p. 4