



Home Office

Country Policy and Information Note

Pakistan: Women fearing gender-based violence

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of Borders and Immigration

5th Floor

Globe House

89 Eccleston Square

London, SW1V 1PN

Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

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1. Introduction

1.1 Basis of claim

1.1.1 Fear of gender-based persecution or serious harm by non-state actors because the person is a woman.

1.2 Points to note

1.2.1 Gender-based violence includes, but is not limited to, domestic abuse, sexual violence including rape, 'honour crimes', and women accused of committing adultery or having pre-marital relations.

1.2.2 Domestic abuse is not just about physical violence. It covers any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. It can include psychological, physical, sexual, economic or emotional abuse. Children can also be victims of, or witnesses to, domestic abuse. Anyone can experience domestic abuse, regardless of background, age, gender, sexuality, race or culture. However, to establish a claim for protection under the refugee convention or humanitarian protection rules, that abuse needs to reach a minimum level of severity to constitute persecution or serious harm.

1.2.3 For further guidance on assessing gender issues see the [Asylum Guidance on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.

- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason

- 2.3.1 Women in Pakistan form a particular social group (PSG) within the meaning of the Refugee Convention.
- 2.3.2 In [Shah and Islam HL \[1999\] ImmAR283](#) the House of Lords held that women in Pakistan constituted a particular social group because they share the common immutable characteristic of gender, they were discriminated against as a group in matters of fundamental human rights and the State gave them no adequate protection because they were perceived as not being entitled to the same human rights as men.
- 2.3.3 Although the Constitution provides for equality of all citizens and numerous legislation has been enacted to protect women's rights, in practice this is not systematically enforced because of deep-rooted social, cultural and economic barriers and prejudices, indicating that women continue to meet the definition of a PSG.
- 2.3.4 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.
- 2.3.5 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#). See also [Gender issues in the asylum claim](#).

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2.4 Risk

a) General position of women

- 2.4.1 Although women are protected by law, in practice this is not systematically enforced because of deep-rooted social, cultural and economic barriers and prejudices. A woman's status – and therefore her ability to exercise her social, economic and human rights – varies according to her social position in terms of class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status and number of children. Women face direct, cultural and structural violence through a deeply entrenched system of patriarchy in all tiers of public and private life (see [Cultural context: position in society](#) and [Sexual and gender-based violence: overview and domestic violence](#)).
- 2.4.2 The World Economic Forum's Global Gender Gap Index ranked Pakistan as the second worst country in the world (and the lowest in South Asia) in 2016, 2017 and 2018 in terms of gender equality relating to economic participation and opportunity, educational attainment, health and survival and political empowerment. In terms of discrimination and the risks women face from cultural, religious and traditional practices, including so-called honour

killings, Pakistan is ranked the sixth most dangerous country in the world for women (see [Social, economic and political rights and attitudes](#)).

- 2.4.3 Women in large urban areas such as Lahore, Karachi and Islamabad often can actively participate in society, i.e. are able to access education, employment and health services, socialise and travel, without a male chaperone. However, most women who live in rural, conservative areas, face severe restrictions in participating in activities outside the home due to purdah – the practice of segregating women from unrelated men (see [Cultural context: position in society](#)).
- 2.4.4 Although legislation to improve the situation of women has gradually increased since the country guidance cases, which are referred to in this assessment, patriarchal beliefs and women’s continuing subordination to men along with the misuse of social, cultural or religious values mean that, in practice, there has been no material change since these country guidance cases were promulgated and therefore there are not “very strong grounds supported by cogent evidence” to justify a departure from them (see [State treatment and attitudes](#), [Sexual and gender-based violence: overview](#) and [Caselaw](#)).
- 2.4.5 The level of societal discrimination against women, particularly those from higher socio-economic backgrounds, is not, in general, sufficiently serious by its nature and repetition that it will reach the high threshold of being persecutory or otherwise inhuman or degrading treatment. However, each case must be considered on its facts and may differ according to the woman’s religion or ethnicity. For information on Ahmadis, Christians and Christian converts, Shia Muslims and Hazaras, see the respective [Pakistan Country Policy and Information Notes](#).
- 2.4.6 Decision makers must consider whether there are particular factors relevant to the specific individual, which might make discriminatory treatment sufficiently serious by its nature and repetition, that it amounts to persecution or serious harm, or the accumulative effects of such treatment.

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b) Caselaw

- 2.4.7 In the country guidance case of [SM \(lone women - ostracism\) \(CG\) \[2016\] UKUT 67 \(IAC\)](#), 2 February 2016, the Upper Tribunal held that, apart from the guidance given in SM with regard to lone female heads of family, the existing country guidance in [SN and HM \(Divorced women - risk on return\) Pakistan CG \[2004\] UKIAT 00283](#) and in [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#) remains valid (para 73 i).

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c) Adultery, extra-marital relations and divorce

- 2.4.8 Adultery and sexual relations outside of marriage are criminal offences under the law. Adultery is punishable by imprisonment for up to five years and a fine not exceeding 10,000 Rupees. An accusation of adultery must be lodged directly with the court. However no recent statistics or legal precedent of convictions could be found in the sources consulted (see [Bibliography](#)). ‘Honour’ crimes, including murder, are sometimes committed against women

accused of sexual infidelity or indiscretion, where the perpetrators seek to avenge the dishonour brought upon the family. A mere allegation or suspicion of sexual misconduct can be enough to perpetrate such an honour crime (see [Adultery and extra-marital relations](#) and ['Honour' crimes](#)).

- 2.4.9 In the country guidance case, [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#), heard 21/22 April 2010 and promulgated 14 July 2010, the Upper Tribunal held that 'the Protection of Women (Criminal Laws Amendment) Act 2006, one of a number of legislative measures undertaken to improve the situation of women in Pakistan in the past decade, has had a significant effect on the operation of the Pakistan criminal law as it affects women accused of adultery' (headnote paragraph iii).
- 2.4.10 The Upper Tribunal in [KA & others](#) concluded that 'most sexual offences now have to be dealt with under the Pakistan Penal Code rather than under the more punitive Offence of Zina (Enforcement of Hudood) Ordinance 1979. Husbands no longer have power to register a First Information Report (FIR) with the police alleging adultery... any such complaint must be presented to a court which will require sufficient grounds to be shown for any charges to proceed. A senior police officer has to conduct the investigation. Offences of adultery (both zina liable to hadd and zina liable to tazir) have been made bailable' (headnote paragraph iii).
- 2.4.11 In [KA & others](#) the Upper Tribunal held that, in general, persons who on return would face prosecution in the Pakistan courts would not be at real risk of a flagrant denial of their right to a fair trial, although it will always be necessary to consider the particular circumstances of the individual case (paragraph i).
- 2.4.12 Persons who may face prosecution on return to Pakistan would include women accused of adultery or having sexual relations outside of marriage (see [Adultery and extra-marital relations](#)).
- 2.4.13 In the country guidance case [SM \(lone women - ostracism\) \(CG\) \[2016\] UKUT 67 \(IAC\)](#), heard 21 May 2015 and promulgated 2 February 2016, the Upper Tribunal held that: 'Women in Pakistan are legally permitted to divorce their husbands and may institute divorce proceedings from the country of refuge, via a third party and with the help of lawyers in Pakistan, reducing the risk of family reprisals. A woman who does so and returns with a new partner or husband will have access to male protection and is unlikely, outside her home area, to be at risk of ostracism, still less of persecution or serious harm' (paragraph 73 viii).
- 2.4.14 A woman involved, or suspected of being involved, in extra-marital sexual relations may be prosecuted. However, changes to the law mean they are likely to be treated more fairly through the courts, although cultural and patriarchal attitudes still persist, especially when a woman's 'honour' is called into question. Each case must be considered on its facts.
- 2.4.15 A woman may also be subject to family / societal discrimination and ill-treatment for bringing dishonour to her family. The intent, nature and likelihood of the threat will depend on the woman's circumstances and the facts of the case.

- 2.4.16 Women are legally able to divorce their husbands as found in the CG case of [KA and Others](#). However, a female divorcee may face difficulties from her own and her former husband's family.
- 2.4.17 Whether a divorcee without a partner will face harassment or other abuse from their families will depend on her circumstances and the facts of her case. The onus will be on her to demonstrate such a risk.
- 2.4.18 For an assessment of risk of family / societal ill-treatment because a woman has dishonoured her family, see [Honour crimes](#), below.
- 2.4.19 The available country information indicates that the findings of the Upper Tribunal in [KA and Others](#) and [SM](#) continue to apply. Whether a woman is likely to face treatment amounting to persecution will depend on the facts of her case.

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d) Children born outside of marriage

- 2.4.20 As sexual relations outside of marriage are strictly prohibited, having a child outside of marriage carries significant social stigma. Children born outside of marriage are referred to as 'harami', meaning 'forbidden under Islam'; they do not have rights of inheritance and cannot obtain a national identity card – required for accessing essential services such as public healthcare, education and employment – without providing the father's name. However, in absence of the father's name, it was reported, in 2015, it was possible to provide a 'dummy' name to register the child (see [Unmarried couples and children born outside of marriage](#)).
- 2.4.21 According to a consultancy firm in Pakistan, in the case of unmarried Muslim couples with a child, marriage may be presumed if the man recognises the woman as his wife and acknowledges the child's legitimacy. Single mothers may face ostracism by society due to conservative views (see [Unmarried couples and children born outside of marriage](#)).
- 2.4.22 If a woman has a child outside of marriage, she can register the child with the National Database and Registration Authority (NADRA) using a 'dummy' or real name for the father, which allows the child to obtain an identity card and thus access public services. If a woman remains with the father or has a partner who recognises the child as his own, it may be assumed they are married, and the child is legitimate.
- 2.4.23 A single woman with a child born outside of marriage may be ostracised by her family and society (see [Single women](#)). Whether a woman is likely to face treatment amounting to persecution on this basis will depend on the facts of her case (also see [Internal relocation](#) for caselaw relating to single women and female heads of households).

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e) Domestic abuse

- 2.4.24 Domestic abuse, which can take the form of psychological, physical and combined physical/sexual abuse, is widespread and usually committed by husbands, fathers, brothers and in-laws. Around a third of married women report having experienced spousal abuse, though underreporting is a

problem. The frequency of abuse is affected by various factors including where a woman lives (women living in rural areas are more at risk of all forms of gender-based violence than those in towns and cities), the age of which she married, her current age, her level of education and her / her family's wealth (or degree of poverty). Although domestic abuse is prevalent across society and affects women at all stages of their lives, women under 40 years old, married before the age of 18, without tertiary education and who live in rural areas, are the most vulnerable (see [Domestic abuse](#)).

- 2.4.25 Reports of domestic abuse include beating, physical disfigurement, shaving of hair and eyebrows, acid attacks and homicide. Spousal rape is not a criminal offence (see [Domestic abuse](#) and [Rape and sexual assault](#)).
- 2.4.26 Domestic abuse is widespread. However, whether the level of abuse, by its nature, degree and repetition, amounts to persecution will depend on the facts of the case.
- 2.4.27 For the conditions and adequacy of treatment in women's shelters see [Support centres and shelters](#).

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f) 'Honour' crimes

- 2.4.28 'Honour' crimes are prohibited by law but continue to occur. They usually take place when a man claims that a woman has brought dishonour to the family, for example by refusing an arranged marriage, forming a romantic attachment not approved by the family, committing adultery, having extra-marital relations, or, in the case of girls, for dress or behaviour deemed insufficiently modest. Honour crimes include murder (honour killing), assault, acid throwing, confinement, imprisonment, interference with a choice of marriage, burning, and nose-cutting. Women are legally free to marry without family consent (also called a love marriage), but those who did so are subjected to threats and violence from their families or, in extreme cases, face becoming the victims of an 'honour' killing (see [Love marriage](#) and ['Honour' crimes](#)).
- 2.4.29 In [KA & others](#) the Upper Tribunal held that 'whether a woman on return faces a real risk of an honour killing will depend on the particular circumstances; however, in general such a risk is likely to be confined to tribal areas such as the North West Frontier Province [now known as Khyber Pakhtunkhwa] and is unlikely to impact on married women' (headnote paragraph iv).
- 2.4.30 However, more recent country information indicates that the risk of honour crimes, including honour killings, is not necessarily restricted to tribal areas or unmarried women. According to one source cited in November 2018, Punjab had the highest 'honour' related crime rate, with Sindh, Khyber Pakhtunkhwa (KP) and Balochistan following second, third and fourth, respectively. Most victims are women (see ['Honour' crimes](#)).
- 2.4.31 Statistics on 'honour killings' are not always available, as the deaths are often covered up, but at least 700 women were reported to have died in the name of 'honour' in 2017. Other honour crimes continue to be widespread.

Whether a woman is likely to be subject to an ‘honour’ crime will depend on her personal and family circumstances and the facts of her case.

- 2.4.32 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Gender issues in the asylum claim](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from non-state actors, including ‘rogue’ state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.2 The Constitution prohibits discrimination on the basis of sex and there is a substantial body of legislation aimed at protecting the rights of women and countering violence against women (see [Legal context](#)). However, implementation of the law is not always effectively enforced (see [Implementation and enforcement of legislation](#)).
- 2.5.3 Pakistan has a functioning criminal justice system; however, the authorities are sometimes unwilling to provide protection for women fearing sexual or gender-based violence as police and judges are 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 and returning the victims to their abusers. It is common for police to refuse to register reports of rape. Some police demand bribes before registering cases and investigations are often superficial. Courts often perceive rape victims as immoral in character and therefore to blame (see [Treatment by, and attitudes of, the justice system and the police](#)).
- 2.5.4 Police and investigating authorities are also reported to come under pressure from religious and local leaders in cases involving ‘honour’ killings. Many ‘honour’ crimes go unpunished and perpetrators are reportedly often allowed to flee (see [‘Honour’ crimes](#) and [Implementation and enforcement of legislation](#)).
- 2.5.5 The government has established some police stations for women staffed by female police officers, as well as women help desks in general police stations, in a bid to offer victims of violence a safe place to register complaints, file charges and receive legal advice and counselling. However, these are relatively few (women accounted for less than 1% of the police force in 2017) and they are under resourced (see [Women police stations](#)).
- 2.5.6 In court the value of a women’s evidence is considered to be worth half that of a male witness. The government has committed to improve women’s access to justice, announcing in 2019 that more than 1,000 courts will be set up dedicated to tackling violence against women. The new courts will operate in existing courthouses but will hold domestic violence hearings separately from other cases to enable victims to testify in confidence. A pilot court of this kind was opened in 2017 in Punjab. However, despite these progressive initiatives access to justice remains difficult for some women (see [Access to justice](#)).

- 2.5.7 Informal justice systems lacking formal legal protections continue to be used in rural areas, and local authorities cooperate in enforcing jirga verdicts, which enforce traditional laws of compensation for physical harm, which often result in harm to women (see [Access to justice](#)).
- 2.5.8 Whilst not offering protection per se, women who have faced domestic or other forms violence may obtain support and assistance in government and non-government shelters. However, government-run shelters (Darul Amans) for women victims of violence are reported to be ill-equipped, lacking in space, staff and resources. They also require a woman to have a court order to enter and leave, and commonly return women to the original violent setting. Private and NGO-run shelters are unable to meet demand (see [Support centres and shelters](#)).
- 2.5.9 In the country guidance case [KA and Others](#), the Upper Tribunal held that the ‘evidence fell well short of establishing ... that in general the police were fundamentally unwilling or unable to carry out law and order functions and ensure the protection of the public’ (paragraph 193).
- 2.5.10 However, the UT held in [SM](#), that, in regard to the position of a single woman, ‘The generic country evidence indicates that despite protective legislation introduced in 2010 and after, sufficient state protection will normally not be available in the home area, in circumstances where a real risk of persecution or serious harm has been shown to exist there from a female applicant's family or husband. Any assessment of international protection needs will require a careful and fact specific assessment as to the nature, source and scope of the risk to the applicant at the date of hearing, including taking into account the possibility, if the woman has family support, a male protector, or is educated, wealthy, or older, of internal relocation to one of the larger cities’ (paragraph 63).
- 2.5.11 The UT in [KA and Others](#), however, held that ‘The network of women’s shelters (comprising government-run shelters (Darul Amans) and private and Islamic women’s crisis centres) in general affords effective protection for women victims of domestic violence, although there are significant shortcomings in the level of services and treatment of inmates in some such centres. Women with boys over 5 face separation from their sons.’ (Headnote para vi)
- 2.5.12 In the country guidance case of [SM](#), the Upper Tribunal held that:
- ‘A single woman or female head of household who has no male protector or social network may be able to use the state domestic violence shelters for a short time, but the focus of such shelters is on reconciling people with their family networks, and places are in short supply and time limited. Privately run shelters may be more flexible, providing longer term support while the woman regularises her social situation, but again, places are limited (paragraph 73 vi).
 - ‘Domestic violence shelters are available for women at risk but where they are used by women with children, such shelters do not always allow older children to enter and stay with their mothers. The risk of temporary separation, and the proportionality of such separation, is likely to differ depending on the age and sex of a woman's children: male children may

be removed from their mothers at the age of 5 and placed in an orphanage or a madrasa until the family situation has been regularised (see [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#)). Such temporary separation will not always be disproportionate or unduly harsh: that is a question of fact in each case' (paragraph 73 vii).

- 2.5.13 The government has introduced legislation and taken practical steps, such as the creation of women police stations and domestic violence courts, to improve protection for women. However, there continue to be weaknesses in the criminal justice system's effectiveness and access to justice that may prevent a woman, single or married, in obtaining protection in their home area where they fear family or societal actors. Each case must be considered on its merits.
- 2.5.14 Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. There may be women who are not able to access assistance and protection and each case needs to be carefully considered on its facts. However, the onus is on the woman to demonstrate why they would be unable to access effective protection.
- 2.5.15 For further guidance on assessing the availability of state protection, see the [Country Policy and Information Note Pakistan: Background, actors of protection and internal relocation](#), the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Gender issues in the asylum claim](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.
- 2.6.2 The Court of Appeal in [SC \(Jamaica\) v Home Secretary \[2017\] EWCA Civ 2112](#) held that: "the evaluative exercise is intended to be holistic and ... no burden or standard of proof arises in relation to the overall issue of whether it is reasonable to internally relocate" (para 36).
- 2.6.3 In the country guidance case [SN & HM \(Divorced women– risk on return\) Pakistan](#), heard 19 April 2004 and promulgated 25 May 2004, the Tribunal held that the question of internal flight will require careful consideration in each case. The Tribunal found (at paragraph 48 of the determination) that 'the general questions which decision makers should ask themselves in cases of this kind are as follows:
- a) has the claimant shown a real risk or reasonable likelihood of continuing hostility from her husband (or former husband) or his family members, such as to raise a real risk of serious harm in her former home area?
 - b) If yes, has she shown that she would have no effective protection in her home area against such a risk, including protection available from the

Pakistani state, from her own family members, or from a current partner or his family?

- c) If yes, would such a risk and lack of protection extend to any other part of Pakistan to which she could reasonably be expected to go (Robinson [1977] EWCA Civ 2089 AE and FE [2002] UKIAT 036361), having regard to the available state support, shelters, crisis centres, and family members or friends in other parts of Pakistan?’

2.6.4 In the country guidance case [SM](#), the Upper Tribunal held that:

- ‘Where a risk of persecution or serious harm exists in her home area for a single woman or a female head of household, there may be an internal relocation option to one of Pakistan’s larger cities, depending on the family, social and educational situation of the woman in question (paragraph 73 ii).
- ‘It will not be normally be unduly harsh to expect a single woman or female head of household to relocate internally within Pakistan if she can access support from family members or a male guardian in the place of relocation (paragraph 73 iii).
- ‘It will not normally be unduly harsh for educated, better off, or older women to seek internal relocation to a city. It helps if a woman has qualifications enabling her to get well-paid employment and pay for accommodation and childcare if required (paragraph iv).
- ‘Where a single woman, with or without children, is ostracised by family members and other sources of possible social support because she is in an irregular situation, internal relocation will be more difficult and whether it is unduly harsh will be a question of fact in each case’ (paragraph v).

2.6.5 The country guidance case of [KA and others](#) held that ‘The network of women’s shelters (comprising government-run shelters (Darul Amans) and private and Islamic women’s crisis centres) in general affords effective protection for women victims of domestic violence, although there are significant shortcomings in the level of services and treatment of inmates in some such centres. Women with boys over 5 face separation from their sons [Headnote vi]. In assessing whether women victims of domestic violence have a viable internal relocation alternative, regard must be had not only to the availability of such shelters/centres but also to the situation women will face after they leave such centres’ (Headnote vii).

2.6.6 For further guidance on internal relocation see the [Country Policy and Information Note Pakistan: Background, actors of protection and internal relocation](#), the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Gender issues in the asylum claim](#).

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2.7 Certification

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

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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ARCHIVE

Country information

Section 3 updated: 12 November 2019

3. Legal context

3.1 Constitution

3.1.1 The Constitution provides for equality of citizens and states:

- (1) All citizens are equal before law and are entitled to equal protection of law.
- (2) There shall be no discrimination on the basis of sex.
- (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children¹.

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3.2 Statutory provisions

3.2.1 A 2018 report by the Pakistan Centre of Gender and Policy Studies with support from the Canadian Government and UN Women Pakistan, on rural women in Pakistan cited a (non-exhaustive) list of legislation aimed at combatting violence against women and protecting women's rights:

- Anti-Rape Act 2016
- Anti-Honour killing Act 2016
- Punjab Protection of Women against Violence, Act 2016
- Punjab Marriage Restraint Amendment, Act 2015
- Sindh Child Marriage Restraint, Act 2014
- Domestic Violence Prevention and Protection Act, Sindh (2013) and Baluchistan (2014)
- Khyber Pakhtunkhwa Deserving Widows and Special Persons Act, 2014
- Elimination of Custom of Ghag² Act, 2013 (Khyber Pakhtunkhwa)
- Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 (pertaining to forced marriages and inheritance deprivation in the name of custom)
- The Women in Distress and Detention Fund (Amendment) Act, 2011
- Right to Ownership (Women), Act 2011
- The Acid Control and Acid Crime Prevention Act, 2011
- The Protection Against Harassment of Women at the Workplace Act, 2010 (AJK 2011, Punjab 2012, Gilgit-Baltistan, 2013)

¹ The Constitution of Pakistan, (Part II, Chapter 1, Article 25), [url](#).

² The custom whereby a man stakes a claim on a woman by making a public declaration, often with gunshots fired outside her house.

- Women Protection Act 2006³.
- 3.2.2 In its February 2019 report on Pakistan, the Australian Government Department of Foreign Affairs and Trade (DFAT) cited provincial measures aimed at benefitting women:
- Balochistan legislated to create a provincial commission on the Status of Women;
 - the Khyber Pakhtunkhwa assembly introduced a women’s anti-harassment bill;
 - Pakistan’s first Violence Against Women Centre opened in Multan, under the Punjab Women Protection Authority Act (2017);
 - the Punjab police created a new post of Additional Inspector-General, Women’s Protection, and launched the Punjab Women Development Policy (2018) to eradicate all explicit and implicit gender discrimination across all spheres of society⁴.
- 3.2.3 The provincial government of Punjab passed the Punjab Protection of Women against Violence Act in 2016 to provide greater legal protections for victims of domestic abuse⁵. Acts against domestic violence were also passed in the provinces of Balochistan in 2014⁶, and in Sindh in 2013⁷. At time of publication of this note, a similar bill was pending in Khyber Pakhtunkhwa⁸. (See also [Domestic violence](#)).
- 3.2.4 As noted in the US Department of State’s human rights report for 2018 (USSD HR Report 2018), ‘The 2012 National Commission on the Status of Women [NCSW] 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.’⁹ The DFAT report noted ‘The NCSW has a strong reputation for gender advocacy and reform but has a limited budget and often faces political constraints in engaging on sensitive topics. The NCSW maintains provincial level branches (PCSWs), whose levels of presence and activity vary.’¹⁰
- See also [Implementation and enforcement of legislation](#).

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³ Zaidi Y., Farooq S. et al, ‘Rural Women in Pakistan - Status Report 2018’, (page 124), 2018, [url](#).

⁴ DFAT, ‘Country Information Report Pakistan’, (para 3.200), 20 February 2019, [url](#).

⁵ Government of Punjab, ‘Punjab Protection of Women against Violence Act, 2016’, [url](#).

⁶ Government of Balochistan, ‘Balochistan Domestic Violence Act 2014’, [url](#).

⁷ Government of Sindh, ‘The Domestic Violence Act 2013’, [url](#).

⁸ News International, ‘Domestic Violence Bill...’, 18 February 2019, [url](#).

⁹ USSD, ‘Country Report on Human Rights for 2018’, (page 41), 13 March 2019, [url](#).

¹⁰ DFAT, ‘Country Information Report Pakistan’, (para 2.62), 20 February 2019, [url](#).

4. Social, economic and political rights and attitudes

4.1 Overview

- 4.1.1 In a total population estimated to be 207,862,518 (July 2018), 101,186,679 were women¹¹. In 2018, 20% of parliamentary seats were held by women; 27% of adult women had reached a secondary level of education compared to 47.3% of their male counterparts¹². 45.8% of women were literate compared to 69.5% of men (2015 estimate)¹³. For every 100,000 live births, 178 women die from pregnancy related causes; adolescent birth rate (births per 1,000 women aged 15-19) is 36.9 births per 1,000 live births. Female participation in the labour market was 24.9% compared to 82.7% of men (2017 estimates)¹⁴.
- 4.1.2 The World Economic Forum's Global Gender Gap Index, where scores are based on economic participation and opportunity, educational attainment, health and survival, and political empowerment, ranked Pakistan the second worst country (and the lowest in South Asia) in 2018, in terms of gender equality¹⁵. Pakistan was ranked at the same level in 2017¹⁶ and 2016¹⁷. In 2018, some good progress was opined to have been made in terms of wage equality and educational attainment¹⁸.
- 4.1.3 The Human Rights Commission of Pakistan (HRCP) 2018 report noted:
'The outlook for women showed little signs of improvement from that reported in previous years, and the issues that confront women were illustrated in stark terms in the news throughout the year – most notably in the cases of domestic and sexual violence that prevail in such a patriarchal society. When other factors come into play – so-called "honour" killings, acid attacks, extended family dynamics, social restrictions on movement and jobs, inequality and abject poverty, forced and arranged marriages – a grim picture emerges.'¹⁹

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4.2 Cultural context: position in society

- 4.2.1 The status of a woman in Pakistan differs in terms of their class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children and so on²⁰. The majority of women live in rural areas²¹. Patriarchal attitudes and deep-rooted stereotypes about women's roles and

¹¹ CIA World Factbook, 'Pakistan', (people and society), last updated 26 June 2019, [url](#).

¹² UNDP, 'Human Development Indicators Pakistan', 2018, [url](#).

¹³ CIA World Factbook, 'Pakistan', (people and society), last updated 26 June 2019, [url](#).

¹⁴ UNDP, 'Human Development Indicators Pakistan', 2018, [url](#).

¹⁵ World Economic Forum, 'Global Gender Gap 2018', (page 11 and 17), 17 December 2018, [url](#).

¹⁶ World Economic Forum, 'Global Gender Gap 2017', (pages 11 and 17), 2 November 2017, [url](#).

¹⁷ World Economic Forum, 'Global Gender Gap 2016', (pages 11 and 15), 26 October 2016, [url](#).

¹⁸ World Economic Forum, 'Global Gender Gap 2018', (page 26), 17 December 2018, [url](#).

¹⁹ HRCP, 'State of Human Rights in 2018', (page 172), March 2019, [url](#).

²⁰ HRCP, 'State of Human Rights in 2011', (page 155), March 2012, [url](#).

²¹ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 1), 2018, [url](#).

responsibilities discriminate against them and maintain their subordination within the family and society²².

- 4.2.2 A Thomson Reuters Foundation survey, dated 2018, consisting of 550 experts on women's issues, ranked Pakistan as the '[s]ixth most dangerous and fourth worst [country in the world for women] in terms of economic resources and discrimination as well as the risks women face from cultural, religious and traditional practices, including so-called honor killings. Pakistan ranked fifth on non-sexual violence, including domestic abuse.'²³
- 4.2.3 The Georgetown Institute for Women, Peace and Security Index 2017/18 used a measure for discriminatory norms, derived from the Gallup World Poll that asked respondents whether 'it is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants one.' In Pakistan, 73% of men disagreed with this proposition²⁴.
- 4.2.4 In November 2018, Zohra Yusuf, the former chairperson of the HRCP, told German broadcaster Deutsche Welle that "'Feudal orthodoxy and conservative norms have deep roots in Pakistan. Men want to control women and they treat them as their "property". They don't allow any freedom to women".'²⁵
- 4.2.5 DFAT noted in its February 2019 report on Pakistan, collated from a range of sources, that:
- 'Observation of the purdah (literally "curtain", a practice of segregating women from unrelated men) restricts women's personal, social and economic activities outside the home. Many women in Pakistan live separately from men, particularly from men outside their families, and face significant cultural and legal barriers to access basic rights, freedom and protection. While many women participate actively in society in large urban centres such as Lahore, Karachi or in Islamabad, conservative societies outside urban centres observe purdah rigorously. This has practical implications for travel beyond the home, including for health services or to obtain humanitarian support during conflict.'²⁶
- 4.2.6 The English-language news site, Dawn (part of Pakistan Herald Publications), reported in March 2019, on the pressures faced, from both family and friends, by single women to marry and have children²⁷. (See also [Single women](#)).

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4.3 Economic participation

- 4.3.1 In its July 2017 report, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed its concern at high unemployment rates among women. The report added:

²² UNCEDAW, 'Concluding observations on the fourth periodic report', (para 21), 27 March 2013, [url](#).

²³ Reuters, 'Factbox: Which are the world's 10 most dangerous countries ...', 26 June 2018, [url](#).

²⁴ Georgetown Institute, 'Women Peace and Security Index 2017/18', (page 33), [url](#).

²⁵ Deutsche Welle, 'A daughter killed by her family', 19 November 2018, [url](#).

²⁶ DFAT, 'Country Information Report Pakistan', (para 3.199), 20 February 2019, [url](#).

²⁷ Dawn, '8 women reveal what it's like to be single and over 30...', 10 March 2019, [url](#).

'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.'²⁸

4.3.2 The HRCP 2018 report noted 'While women's labour force participation in Pakistan has increased by more than 50 percent over the past 15 years, only one out of every five women participates in the labour force.'²⁹ Approximately 75% of women and girls were employed in the agricultural sector³⁰. Unemployment was reported to be 7% amongst rural women and 20% of urban women³¹. The Women, Peace and Security Index 2017/18 noted only 3% of women in Pakistan were estimated to have financial accounts³². Microfinance schemes were available to women, particularly supporting those living in rural areas³³. Overall, 11% of households were female-headed³⁴.

4.3.3 In March 2018, Express Tribune reported on the financial inclusion of women:

'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.'³⁵

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4.4 Political participation

4.4.1 According to the Global Gender Gap Report 2018, Pakistan ranks 97 out of 149 countries for political empowerment of women³⁶. As of 1 June 2019,

²⁸ UNCESCR, 'Concluding observations', (para 37), 20 July 2017, [url](#).

²⁹ HRCP, 'State of Human Rights in 2018', (page 175), March 2019, [url](#).

³⁰ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page XV), 2018, [url](#).

³¹ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 42), 2018, [url](#).

³² Georgetown Institute, 'Women Peace and Security Index 2017/18', (page 28), [url](#).

³³ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 73), 2018, [url](#).

³⁴ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 103), 2018, [url](#).

³⁵ Express Tribune, 'Women and financial inclusion', 12 March 2018, [url](#).

³⁶ World Economic Forum, 'Global Gender Gap 2018', (page 14), 17 December 2018, [url](#).

approximately 20% of seats were held by women in both the Senate (Upper House) and the National Assembly³⁷.

- 4.4.2 It was also noted in USSD HR Report 2018 that authorities used quotas to assure a minimum female presence in elected bodies (60 seats in the National Assembly and 17 seats in the Senate reserved for women). It was reported that 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 wings³⁸. According to DFAT, '... generally, the limited voice of women in the National Assembly and provincial assemblies hampers progress, despite powerful advocates. Politicians and members of the judiciary have reportedly received death threats for attempting to reform the law or to introduce legislation to support women's rights.'³⁹
- 4.4.3 A joint NGO report to CEDAW in July 2019 stated that, while no laws prevent women from voting and despite a drive to encourage more women to vote in the 2018 general election, women represented 44% of voters, the same as in 2013. Lack of awareness of political rights, distance to polling stations and transportation challenges were reported as the reasons for the lower voter turn-out amongst women. In some areas there were also reports of collusion between political candidates and tribal elders to prevent women from voting. Cultural and traditional barriers in tribal and rural areas also obstructed some women from voting⁴⁰.
- 4.4.4 The USSD HR Report 2018 reported that:
'The comprehensive Elections Act introduced in 2017, stipulates special measures to enhance electoral participation of women as well as religious minorities, transgender persons, and persons with disabilities. The law stipulates that women must constitute 5 percent of party tickets, and if less than 10 percent of women vote in any constituency, it is considered that the women's vote was suppressed and the results for that specific constituency can be potentially nullified or void. In practice, this was enforced for the first time in Shangla, Khyber Pakhtunkhwa, for the July 2018 general elections when the Election Commission cancelled the district's election results as women accounted for less than 10 percent of the overall vote.'⁴¹

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4.5 Education

- 4.5.1 The USSD HR Report 2018, in regard to education, noted 'The constitution mandates compulsory education, provided free of charge by the government, to all children between the ages of five and 16.'⁴² However, the same report also noted that despite this provision, government schools often charged parents for books, uniforms, and other materials⁴³.

³⁷ Inter-Parliamentary Union, 'Percentage of women in national parliaments', 1 June 2019, [url](#).

³⁸ USSD, 'Country Report on Human Rights for 2018', (page 34), 13 March 2019, [url](#).

³⁹ DFAT, 'Country Information Report Pakistan', (para 3.206), 20 February 2019, [url](#).

⁴⁰ Planete Refugies Droits de l'Homme, '75th session of CEDAW', (paras 10, 12), 22-26 July 2019, [url](#).

⁴¹ USSD, 'Country Report on Human Rights for 2018', (page 34), 13 March 2019, [url](#).

⁴² USSD, 'Country Report on Human Rights for 2018', (page 42), 13 March 2019, [url](#).

⁴³ USSD, 'Country Report on Human Rights for 2018', (page 42), 13 March 2019, [url](#).

- 4.5.2. However, in a Human Rights Watch (HRW) report of 2018, the report summarised that a lack of education was prevalent within girls and young women in Pakistan. The report also noted how the current Pakistani government provided figures in their manifesto that approximately 22.5 million children in the country were out of school with girls being particularly affected, namely that 32% of primary school aged girls were out of school (compared to 21% of boys) and, by grade six, 59% of girls were out of education (compared to 49% of boys)⁴⁴.
- 4.5.3 The report noted how in every province of Pakistan, gender disparity existed with a high percentage of both boys and girls not in education, although the figure of girls was consistently higher. However, the report went on to state that this gender disparity had a higher prevalence in some areas more than others. Balochistan province had the highest percentage of uneducated women with 81% not having completed primary education compared to 52% of men (estimated figures. 2014). Sindh and Punjab had higher education rates and significantly lower percentages of gender disparity (although it is worth noting that they were still present)⁴⁵.
- 4.5.2 In regard to transgender women in Pakistan and their access to education, in April 2018, the Gender Guardian, a school for the education and vocational training of transgender persons, was opened in Lahore⁴⁶. According to the USSD HR Report 2018, local authorities often refused transgender persons access to schools⁴⁷.

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4.6 Access to health

- 4.6.1 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. The report stated '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.'⁴⁸
- 4.6.2 A 2018 report on rural women in Pakistan noted, regarding obstacles in accessing health care:
- 'Often women cite a number of reasons that impede their access to health care services, such as facilities. Some of the barriers identified were lack of child care and transport, distance to facility and lack of a male relative to accompany them. 72% of rural women encounter at least one such problem that limits her basic right to seek health services. 61% of rural women felt

⁴⁴ HRW, 'Barrier to Girls' Education Pakistan', 12 November 2018, [url](#).

⁴⁵ HRW, 'Barrier to Girls' Education Pakistan', 12 November 2018, [url](#).

⁴⁶ Dawn, 'Pakistan's first-ever school for transgender community...', 6 April 2018, [url](#).

⁴⁷ USSD, 'Country Report on Human Rights Practices for 2018', (page 46), 13 March 2019, [url](#).

⁴⁸ UN Women, 'Turning Promises into Action', (page 153), 2018, [url](#).

constrained as they did not have a male relative, or an elderly female to accompany them.⁴⁹

- 4.6.3 According to the DFAT report, 'Wealthier Pakistanis have access to better quality private health care. Rural areas have poorer access to health care services, compounded by a lack of infrastructure and transport facilities. Islamic religious practices, such as observation of the purdah, also restrict women's activities outside the home and therefore create additional access barriers to health care for women and girls.'⁵⁰

See also [Reproductive rights](#) and [Cultural context: position in society](#).

For general information on medical care and health facilities in Pakistan see the [Country Policy and Information Note Pakistan: Medical and healthcare issues](#).

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4.7 Marriage, divorce and inheritance rights

- 4.7.1 The Muslim Family Laws Ordinance, 1961, states that 'It extends to [the] whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be.' The ordinance covers marriage, polygamy, divorce and maintenance⁵¹. The Child Marriage Restraint Act, 1929, proscribes the minimum age of marriage for girls as 16 years old and 18 years for boys⁵². Although passed by the Senate in April 2019⁵³, at the time of publication of this note, proposed amendments to the Act to raise the marriage age for girls to 18 remained pending in the National Assembly following objections that the changes were 'un-Islamic'⁵⁴. The Sindh Child Marriage Restraint Act, passed in April 2014, prohibited marriage for children under the age of 18 years⁵⁵.

See [Child and forced marriage](#).

- 4.7.2 As noted in the USSD HR Report 2018, the Hindu marriage Act 2017: '... codified the legal mechanisms to register Hindu marriages and to prove the legitimacy of Hindu marriages under the law. Leaders in the Hindu community said they generally viewed the legislation as a positive step toward preventing forced marriages of Hindus to Muslims, but the law contained one worrisome provision allowing for the termination of the marriage upon the conversion of one party to a religion other than Hinduism. A similar provision was included in Sindh's 2016 Hindu Marriage Act.'⁵⁶
- 4.7.3 A joint NGO report, submitted by Shirkat Gah Women's Resource Centre for consideration by CEDAW, dated 10 June 2019, noted: 'There is no uniformity of rights of women in the personal status laws (PSL) of different religious minorities. The Sikh Marriage Act only exists in Punjab.

⁴⁹ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 89), 2018, [url](#).

⁵⁰ DFAT, 'Country Information Report Pakistan', (para 2.27), 20 February 2019, [url](#).

⁵¹ Muslim Family Laws Ordinance, 1961, [url](#).

⁵² Child Marriage Restraint Act [Pakistan], 1929, [url](#).

⁵³ Dawn, 'Child marriage restraint bill sails through Senate', 30 April 2019, [url](#).

⁵⁴ Dawn, 'Bill against child marriage divides parties in NA', 1 May 2019, [url](#).

⁵⁵ Sindh Child Marriage Restraint Act, 2013, 28 April 2014, [url](#).

⁵⁶ USSD, 'Country Report on Human Rights for 2018', (page 41), 13 March 2019, [url](#).

The non-uniformity of modalities for registering Christian marriages means many marriages are not documented with the local administration (Union Council) and /or the National Database and Registration Authority (NADRA), resulting in the denial of appropriate CNICs (identity cards). There are unresolved conflicts in the provisions of family laws of religious minorities with the provisions under Muslim family law, creating problems when married non-Muslim women convert to Islam, including uncertainty regarding the status of their previous marriage (whether it is extant or not) and the procedure for its dissolution despite the Supreme Court's direction to legislate on this matter [in 1988].⁵⁷

- 4.7.4 The Christian Marriage and Divorce Act 2019 was drafted and under deliberation⁵⁸. (for further information see the Country Policy and Information Note on [Pakistan: Christians and Christian converts](#)).
- 4.7.5 The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband⁵⁹. Article 29 of the 2006 Protection of Women Act amended the Dissolution of Muslim Marriages Act and states 'in section 2, after clause (vii) the following new clause has been inserted, namely:- "(viiia) lian; Explanation. – Lian means where the husband has accused his wife of zina [sex outside marriage] and the wife does not accept the accusation as true".⁶⁰
- 4.7.6 According to the USSD HR Report 2018 '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.'⁶¹
- 4.7.7 The HRCP 2018 report noted that in September 2018, the Council of Islamic Ideology (CII), a constitutional body that advises Parliament on whether or not certain laws go against the teachings of Islam, announced the practice of 'triple talaq', which allows men to divorce their wives verbally and without reason, should be discouraged and that men who pronounce this should be penalised. The CII also devised a divorce deed – talaq nama – to be forwarded to clerics for consent. The HRCP noted that triple talaq often affected the wife's right to a share in property, inheritance, and child custody. The report added that it was unclear whether the CII's announcement would go through the necessary procedures to become law⁶².

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4.8 Love marriage

- 4.8.1 According to Dr Shakira Hussein, a fellow at the Australian National University, arranged marriages with a partner from their own ethnic

⁵⁷ Shirkat Gah, 'Supplementary Information for the Adoption...', (page 17), 10 June 2019, [url](#).

⁵⁸ Daily Times, 'Christian Marriage and Divorce Act 2019...', 4 September 2019, [url](#).

⁵⁹ Dissolution of Muslim Marriages Act, 1939, [url](#).

⁶⁰ Protection of Women (Criminal Laws Amendment) Act, 2006, [url](#).

⁶¹ USSD, 'Country Report on Human Rights for 2018', (page 42), 13 March 2019, [url](#).

⁶² HRCP, 'State of Human Rights in 2018', (page 173), March 2019, [url](#).

community is the traditional norm across Pakistan, regardless of social standing. Dr Hussein noted in 2010 that:

'Love marriages which transgress family expectations can result in considerable family pressure being brought to bear. Again, violence could be a part of such pressure. In instances where the male partner to the marriage was from an illregarded community or caste then he, as much as the female partner to the marriage, could likely find himself the subject of a violent reprisal... Multiple sources indicate that parties to love marriages have been subjected to significant pressures, threats, and violence from their families. The most extreme example of harm against parties entering into a love marriage is the act of honour killing'⁶³.

- 4.8.2 The National Commission on the Status of Women (NCSW) reported, in June 2017, that there continued to be cases of families registering reports against men, accusing them of abducting the woman they had married (even when the woman stated the marriage was of her own free will), as a way of obstructing a relationship not approved by the woman's family⁶⁴.
- 4.8.3 The HRCP 2018 report noted 'Women who exercised or attempted to exercise their own choice in partners were subjected to confinement, beatings, and life-ending violence by fathers and brothers. Rejected suitors exacted their revenge by violently attacking women, often with acid to disfigure the women they claimed to want to marry.'⁶⁵
- 4.8.4 In November 2018, Deutsche Welle, reported on a young woman who was the victim of an honour-killing due to her choice of marriage partner, which was against the wishes of her family⁶⁶.

See also ['Honour' crimes](#).

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4.9 Reproductive rights

- 4.9.1 The National Assembly of Pakistan unanimously passed the Reproductive Healthcare and Rights Act 2013 on 12 March 2013, which aimed to decrease the rates of maternal mortality by providing healthcare services to pregnant women, particularly those in remote areas and within marginalised groups⁶⁷.
- 4.9.2 The DFAT report stated 'The 2018 World Economic Forum Global Gender Gap Report (GGGR) ranked Pakistan 148th out of 149 countries for health and survival of women and girls (only ahead of Yemen, and dropping four places from 2017). The maternal mortality ratio is 178 per 100,000 live births, the infant mortality rate is just over 50 deaths per 1,000 live births (similar to levels in sub-saharan Africa), and more than 177,000 children die each year in Pakistan before their fifth birthday because they or their mother are malnourished.'⁶⁸

⁶³ Australian Government RRT, 'Country Advice Pakistan', (pages 1-2), 17 November 2010', [url](#).

⁶⁴ NCSW, 'Access to justice for survivors of sexual assault', (page 32), June 2017, [url](#).

⁶⁵ HRCP, 'State of Human Rights in 2018', (page 180), March 2019, [url](#).

⁶⁶ Deutsche Welle, 'A daughter killed by her family', 19 November 2018, [url](#).

⁶⁷ AFPPD, 'Pakistan passes the Reproductive Healthcare and Rights Act 2013', 25 April 2013, [url](#).

⁶⁸ DFAT, 'Country Information Report Pakistan', (para 2.25), 20 February 2019, [url](#).

- 4.9.3 The Shirkat Gah report of 10 June 2019 noted that social norms in Pakistan restrict women's access to health services, especially in regard to reproductive health. The report referred to the Reproductive Healthcare and Rights Act (2013), noting that the services offered within this Act are restricted to married couples only, excluding the rights to health of unmarried women and adolescent girls⁶⁹. UNICEF noted infant child mortality rate was 61 deaths per 1,000 live births (est.2018)⁷⁰; maternal mortality was recorded as 140 deaths per 100,000 live births (est.2017)⁷¹.
- 4.9.4 The Pakistan Penal Code permits abortion when the life of a woman is in danger by continuing with the pregnancy or the woman is required to undergo treatment. Causing abortion or miscarriage outside of these permissions is known as Isqat-i-Hamal and may be subject to imprisonment⁷².
- 4.9.5 According to the 10 June 2019 report by Shirkat Gah, women in Pakistan took unauthorised routes to terminate their pregnancies, namely unsafe abortion services, as a means of family planning. The report noted that there was a low rate of uptake of family planning methods and practices, which were deemed to be due to familial restrictions, myths and misconceptions, and socio-cultural beliefs⁷³.
- 4.9.6 In another report from Shirkat Gah, on sexual and reproductive health rights for youth, dated 2019, it was noted 'Pakistan has made significant progress in the realm of Sexual and Reproductive Health and Rights (SRHR) overall, with much credit due to advocacy efforts of the civil society at large.'⁷⁴ The report noted that the Pakistani government had begun to address reproductive needs of women, and in recent years, the country had successfully integrated Post Abortion Care (PAC) and Post-Partum Family Planning (PPFP) practices into overall health policies⁷⁵.
- 4.9.7 The Shirkat Gah report went on to state that, whilst government financing and suggested legislation were a key part of SRHR recommendations, and these recommendations were recognised as a step-forward for women's reproductive rights, it highlighted that it was wary of such suggested improvements as these were specifically targeted at lowering population growth, and did not address the socio-cultural barriers women confront in terms of access to services. The report also expressed concern that, though the government had professed such commitments, these were not reflected in budgets or in any youth policies. Further, the report stated that 'A closer look at the youth context of SRH reveals poor actual progress on the commitments made.'⁷⁶
- 4.9.8 Writing about class disparity in January 2019, the Director of the Neengar Society told the Immigration and Refugee Board (IRB) of Canada's

⁶⁹ Shirkat Gah, 'Supplementary Information for the Adoption...', (page 13), 10 June 2019, [url](#).

⁷⁰ UNICEF, 'Pakistan country profile', December 2018, [url](#).

⁷¹ CIA World Factbook, 'Pakistan', (people and society), last updated 2 October 2019, [url](#).

⁷² Pakistan Penal Code (Act XLV 1860), (Chapter XVI, Section 338(A)-(C)), 6 October 1860, [url](#).

⁷³ Shirkat Gah, 'Supplementary Information for the Adoption...', (page 13), 10 June 2019, [url](#).

⁷⁴ Shirkat Gah, 'Leaving the Youth behind', (page 9), 2019, [url](#).

⁷⁵ Shirkat Gah, 'Leaving the Youth behind', (page 9), 2019, [url](#).

⁷⁶ Shirkat Gah, 'Leaving the Youth behind', (page 10), 2019, [url](#).

Research Directorate, that “individuals belonging to low socio-economic groups have limited access to justice, sexual and reproductive health rights and safety” and that out of 150 cases reported to their legal aid center, 135 “belonged to [a] low socio-economic class”.⁷⁷

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4.10 Single women

- 4.10.1 According to the Pakistan Demographic and Health Survey (PDHS) 2017-18, implemented by the National Institute of Population Studies (NIPS) and published January 2019, ‘62% of women and 50% of men age 15-49 are currently married [...]. Thirty-five percent of women have never been married, as compared with 49% of men. Seven percent of women age 45-49 are widowed, compared with 1% of men in the same age group.’⁷⁸ According to the same survey, only 3% of women own a house and 2% own land, compared to 72% and 27% of men, respectively⁷⁹.
- 4.10.2 According to a representative from the Human Rights Commission of Pakistan (HRCP), cited in 2012, it was ‘next to impossible’ for a single woman to live alone in Pakistan due to prejudices against women and economic dependence⁸⁰. According to a Metropolitan State College of Denver Assistant Professor, speaking in 2010, most women in rural areas lived with their families and it was generally not socially acceptable for women to live alone, particularly younger women. In some big cities such as Karachi, Lahore or Islamabad, (but not for example Peshawar or Quetta), if a woman is educated, higher class and working it was reported to be easier to live alone⁸¹, although, as reported in 2007, this was still quite a rare occurrence⁸². Sources consulted by the Research Directorate of the Canadian Immigration and Refugee Board (IRB) in 2010 described difficulties for single women renting property in urban areas, citing security concerns and social constraints. Divorcees faced stigmatization and social rejection⁸³.
- 4.10.3 A study carried out by the International Labour Organization (ILO), published 2011, concluded ‘In a patriarchal society like Pakistan, stereotypical societal norms are, in general, not favorable towards women who work and live alone in another city. House owners in general, are hesitant to rent out their property to women tenants who work and live independently and parents/families are reluctant to send their daughters to another city especially when decent and secure residential facilities are hard to find.’⁸⁴ The ILO also noted ‘The Government has set up a few working women’s hostels but the demand for these far exceeds their supply. Anecdotal evidence indicates that working women prefer the secure residential facility of the government and avoid approaching the private renters who charge

⁷⁷ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷⁸ NIPS, ‘PDHS 2017-18’, (page 68), January 2019, [url](#).

⁷⁹ NIPS, ‘PDHS 2017-18’, (page 273), January 2019, [url](#).

⁸⁰ IRB, ‘Pakistan: Domestic violence...’, 14 January 2013, [url](#).

⁸¹ IRB, ‘Pakistan: Circumstances under which a woman...’, 17 November 2010, [url](#).

⁸² IRB, ‘Pakistan: Circumstances under which single women could live alone’, 4 December 2007, [url](#).

⁸³ IRB, ‘Pakistan: Circumstances under which a woman...’, 17 November 2010, [url](#).

⁸⁴ ILO, ‘Situation analysis of the residential facilities...’ (page 73), 2011, [url](#).

exorbitant rents and are often unwilling to offer their facilities to women especially those who are single.’⁸⁵

- 4.10.4 In 2017, The News International reported on the screening in Karachi of a film on single women living in India. Following the screening, one viewer shared her experience, stating ‘I moved to Islamabad for employment purposes and was able to find a hostel which catered to working women. The place was owned by a couple, but it was strange to see that the man tried to use the “honour” narrative to tell me how I was their responsibility simply because I was single. When I called him out, he made sure that my months-long stay becomes difficult.’⁸⁶
- 4.10.5 In 2017 and 2018 articles, Mango Baaz, a Pakistan-based internet media company, noted that whilst the trend of women living alone was increasing, it cited the difficulties women encounter, including facing harassment from landlords and property agents and the assumption that a lone woman would engage in inappropriate behaviour and activities. Some areas in Lahore did not rent properties to single men or women. Whilst some hostels were available to women working or studying, they restricted their freedom and independence, for example by prescribing night time curfews^{87 88}. In 2018, Dawn also cited similar difficulties faced by single men and women when attempting to lease a property, including inflated rents⁸⁹.
- 4.10.6 Reporting on single parenthood, an article in the Express Tribune, dated 2015, noted ‘Since Pakistan still operates from a relatively conservative mindset, anything that goes beyond the norm of a nuclear family – i.e. father, mother and a child – is deemed “different” and worthy of censure.’ There was also disparity in how single parents were regarded by society depending on whether they were divorced or widowed, with widowers receiving much less negativity⁹⁰. A blog published in Pamir Times (a news portal in Gilgit Baltistan) in March 2019 noted society could not accept single mothers, indicating that acceptance by the woman’s family was often key to their survival⁹¹.

See also [Unmarried couples and children born outside of marriage](#).

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4.11 Freedom of movement

- 4.11.1 International Crisis Group (ICG) Asia reported, in February 2017, on violence and insecurity in Karachi, stating:

‘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

⁸⁵ ILO, ‘Situation analysis of the residential facilities...’ (page 21), 2011, [url](#).

⁸⁶ The News International, ‘There’s no place to call home’, 13 July 2017, [url](#).

⁸⁷ Mango Baaz, ‘Here’s What It’s Really Like If You’re A Woman Living Alone...’ 13 October 2017, [url](#).

⁸⁸ Mango Baaz, ‘We Spoke To Women Living Alone In Pakistan...’, 3 October 2018, [url](#).

⁸⁹ Dawn, ‘Being single in Pakistan’, 11 February 2018, [url](#).

⁹⁰ Express Tribune, ‘Surviving as a single parent’, 31 August 2015, [url](#).

⁹¹ Pamir Times, ‘Struggles of a single mother in Pakistan’, 27 March 2019, [url](#).

sexual harassment. Leaving home early, travelling long distances and returning at night to unsafe neighbourhoods, they face threats and harassment.⁹²

4.11.2 The USSD HR Report 2018 noted 'The law provides for freedom of internal movement and for uninhibited foreign travel, emigration, and repatriation, but the government limited these rights.'⁹³

4.11.3 The report continued 'Government restrictions on access to certain areas of the former FATA [Federally Administered Tribal Areas] and Balochistan, often due to security concerns, hindered freedom of movement. The government required an approved no-objection certificate for travel to areas of the country it designated as "sensitive".'⁹⁴

4.11.4 According to the DFAT report:

'Many women fleeing violence relocate to Karachi after leaving their families. Karachi, Islamabad and Lahore are preferred over smaller cities, Karachi in particular for Pashtun women. Reintegration for victims depends on the strength of the family, and availability of safe networks and friends. Significant stigma and risk to personal safety attaches to leaving a family, irrespective of violence. Women face significant economic barriers to leaving the family, and often need assistance with shelter and livelihoods.'⁹⁵

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4.12 Lesbian, bisexual and trans (LBT) women

4.12.1 For information on LBT women in Pakistan and their access to health, employment and housing, and restrictions faced, please refer to the Country Policy and Information Note on [Pakistan: Sexual orientation and gender identity or expression](#).

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Section 5 updated: 12 November 2019

5. Adultery and extra-marital relations

5.1 Legal context

5.1.1 The offence of zina defines 'adultery' and is covered under the Offence of Zina (Enforcement of Hudood) Ordinance, 1979, which states 'A man and a woman are said to commit "Zina" if they wilfully have sexual intercourse without being married to each other.' Zina is liable to hadd (the punishment decreed by the Quran): stoning to death, or 100 lashes. The Hudood laws apply to both Muslims and non-Muslims, although the punishments differ⁹⁶. According to Khan and Piracha, a consultancy firm in Islamabad, writing in April 2015, '... no statistics are available for charges/convictions for simple zina (adultery) nor have we been able to find any legal precedent for a conviction on this charge.'⁹⁷

⁹² ICG, 'Pakistan: Stoking the fire in Karachi', ..., (page 6), 15 February 2017, [url](#).

⁹³ USSD, 'Country Report on Human Rights for 2018', (page 42), 13 March 2019, [url](#)

⁹⁴ USSD, 'Country Report on Human Rights for 2018', (page 42), 13 March 2019, [url](#)

⁹⁵ DFAT, 'Country Information Report Pakistan', (para 3.211), 20 February 2019, [url](#).

⁹⁶ Offence of Zina (Enforcement of Hudood) Ordinance, 1979, 10 February 1979, [url](#).

⁹⁷ Khan and Piracha, 20 April 2015, [Annex B](#).

- 5.1.2 Sexual relations between parties who are unmarried is considered 'fornication' and is deemed an offence under the Protection of Women (Criminal Law Amendment) 2006 Act. This offence is punishable by imprisonment for up to 5 years and a fine not exceeding 10,000 Rupees. An accusation of adultery must be lodged directly with the court. It is considered an offence to make false accusations of adultery and fornication⁹⁸.
- 5.1.3 For information on prison conditions, see the Country Policy and Information Note on [Pakistan: Prison conditions](#).
- 5.1.4 Honour killings are committed against men and women accused of sexual infidelity or indiscretion, where the killers, often male family members, seek to avenge the dishonour brought upon the family. A mere allegation or suspicion of sexual misconduct is enough to result in such an honour crime⁹⁹¹⁰⁰. (see ['Honour' crimes](#)).

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5.2 Unmarried couples and children born outside of marriage

- 5.2.1 As sexual relations outside of marriage is strictly prohibited under the 1979 Hudood Ordinances¹⁰¹, having a child outside of marriage causes huge social stigma. Deutsche Welle noted in a report dated 22 April 2014 that, 'In Pakistan, abortion is illegal, and so is adultery - creating a situation where hundreds of children born out of wedlock are secretly killed each year. Their bodies are, literally, thrown out with the garbage.'¹⁰² Illegitimate children were referred to as 'harami', meaning 'forbidden under Islam'¹⁰³. They did not have rights of inheritance¹⁰⁴.

See also [Reproductive rights](#).

- 5.2.2 In correspondence with the British High Commission, dated September 2017, Khan and Piracha, a legal consultancy firm in Islamabad, provided their legal opinion on a scenario of an unmarried Pakistani couple living in the UK with a child born out of wedlock:

'Under Muslim Personal Law (also known as Mahomedan Law) marriage may be validly entered into without any ceremony, therefore direct proof of marriage is not always available or required. Where direct proof is not available, indirect proof may suffice. Under Muslim Personal Law, in the absence of direct proof, marriage is presumed on the basis of any of the following facts:

- Prolonged and continual cohabitation as husband or wife
- Acknowledgement by the man of the woman as his wife
- Valid acknowledgement by the man of the paternity of the child born to the woman subject to the condition, inter alia, that the child is

⁹⁸ Protection of Women (Criminal Laws Amendment) Act, 2006, [url](#).

⁹⁹ IRB, 'Pakistan: Honour killings targeting men and women', 15 January 2013, [url](#).

¹⁰⁰ HRCP, 'State of Human Rights in 2018', (page 180), March 2019, [url](#).

¹⁰¹ Offence of Zina (Enforcement of Hudood) Ordinance, 1979, 10 February 1979, [url](#).

¹⁰² Deutsche Welle, Illegitimate newborns murdered and discarded, 22 April 2014, [url](#).

¹⁰³ Al Jazeera, 'Infanticide is on the rise in Pakistan', 14 January 2014, [url](#).

¹⁰⁴ Daily Times, 'FSC and "illegitimacy"', 15 June 2018, [url](#).

acknowledged to be legitimate and is not the offspring of adultery, incest or fornication. [Principles of Mahomedan Law by Mulla, Sections 268, 344]

‘... clear and reliable evidence that a Mahomedan has acknowledged children as his legitimate issue raises a presumption of a valid marriage between him and the children’s mother (Imambandi vs. Mutasaddi (1918) 45 I.A. 73.’¹⁰⁵

5.2.3 Khan and Piracha went on to note ‘[...] Marriage solemnized under Muslim Family Laws Ordinance, 1961, requires registration but Nikah does not become invalid due to its non-registration. If a person does not report marriage to the Nikah Registrar for the purpose of registration, he may be held liable under the penal provisions of S.5 (4) of the Muslim Family Laws Ordinance, 1961 but Nikah will not be invalidated.’¹⁰⁶

5.2.4 It was Khan and Piracha’s opinion that:

‘... unless the father of the child refuses to acknowledge the child as his legitimate child, marriage will be presumed from the day the couple commenced together. Hence, given presumption of marriage, such a couple will not be required to re-marry in order to confer legitimacy upon the child and can simply opt for late registration subject to risk of prosecution an imposition of the penal provisions of S5 (4) of the Muslim Family Laws Ordinance, 1961. The prescribed penalty is simple imprisonment of up to 3 months or fine of up to PKR 1000 or both. The fine may not even be imposed if marriage is not denied or disproved and the registrar accepts the fact of a private Nikah, i.e. offer and acceptance in the presence of witnesses having taken place. In fact, to our knowledge, penalty under Section 5 (4) is rarely imposed.’¹⁰⁷

5.2.5 In previous correspondence with the British High Commission, dated April 2015, Khan and Piracha, noted that children could not be registered with the National Database and Registration Authority (NADRA) – thus obtaining a Computerised National Identity Card (CNIC) – without providing the father’s name, except when the child was abandoned or in the care of a registered orphanage. However, in the absence of the father’s name, for example, if it was not recorded on a UK birth certificate, a ‘dummy’ name could be provided¹⁰⁸.

5.2.6 Not having an ID card caused difficulties in accessing vital government-run services. Khan and Piracha stated:

‘The requirement for ID card is becoming increasingly vital for gaining access to admission to educational institutions, employment both in the private and governmental sectors and in all practical day to day affairs such as access to travel by air, telephone connections etc. Any access to healthcare in the social welfare/governmental sector will also be dependent

¹⁰⁵ Khan and Piracha, 26 September 2017, [Annex A](#).

¹⁰⁶ Khan and Piracha, 26 September 2017, [Annex A](#).

¹⁰⁷ Khan and Piracha, 26 September 2017, [Annex A](#).

¹⁰⁸ Khan and Piracha, 20 April 2015, [Annex B](#).

of production of ID card. However, so far, production of ID card is not required for obtaining healthcare in the private sector.¹⁰⁹

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Section 6 updated: 12 November 2019

6. Sexual and gender-based violence

6.1 Overview

6.1.1 A 2018 report by Pakistan Centre of Gender and Policy Studies, focussing on rural women, noted:

'In Pakistan women's life from childhood to maturity, is lived in fear and under threat of violence. Girls face discrimination and abuse and maybe forced into marriage at a young age. Once married these young girls or women they [sic] face early childbirth, spousal and other forms of domestic violence. Outside the home women are vulnerable to harassment, sexual harassment and rape, and trafficking. While it may be true that younger women are more vulnerable, data suggests that women experience different forms of violence at all stages of their lives.

'Violence against women in Pakistan takes the form of both physical and emotional violence. Many forms of violence are not even recognized as violence by the victims who think of it as a normal occurrence, such as verbal or psychological violence and beating if women fail to perform their expected reproductive roles [...]. Media reports and reports by the Gender Crime cell of the National Police Bureau and HRCP show that violence against women is endemic. The statistics from such sources under-represent the actual number of cases as they are based only on registered or reported cases.

'Rural women are more at risk of violence in the absence of widespread awareness of laws and redressal mechanisms as well as their disadvantaged position. Seen as repositories of family honour, women in Pakistan are subjected to regressive customs and traditions, their mobility restricted. Viewed as the property of male relatives, women can be subjected to violence for perceived transgression of social norms.'¹¹⁰

6.1.2 A report by the Sustainable Development Policy Institute (SDPI), a non-profit research institute, 'Socio-economic and Cultural Factors of Violence against Women in Pakistan, published August 2016, and concentrating on the two provinces of Punjab and Sindh, (SDPI report) stated: 'In Pakistan, violence against women is an uncanny behaviour that transpired to be a "norm" due to the preposterous acceptance of centuries-old conservative and feudal mindset. Though there have been legislative developments to address this serious issue, the actual state of affairs remains disappointing and discouraging.'¹¹¹

6.1.3 The same source concluded: 'The outcome of our assessment shows that women face direct, cultural and structural violence through a deeply

¹⁰⁹ Khan and Piracha, 20 April 2015, [Annex B](#).

¹¹⁰ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 125), 2018, [url](#).

¹¹¹ SDPI, Socio-economic and Cultural Factors (of DV), (Abstract), August 2016, [url](#).

entrenched system of patriarchy at all tiers of public and private life.’
However, the report also noted that:

‘Economic factors stood out as one of the main factors causing violent behaviour in the society. All our stakeholders, including key informants and community members shared that the lack of economic resources is the root cause of a lot of evils. Poverty is the main reason for sufferings, which stems [from a] deprivation of basic needs and thus creates frustration in the society. This frustration is then translated through different violent attitudes. Respondents believed that since women are a weaker segment of the society, they are naturally at the receiving end of this frustration. Poverty has been linked to increased violence against women including sexual violence and trafficking.’¹¹²

- 6.1.4 A report supported by funding from the UK Department for International Development ‘Economic and Social Costs of Violence against Women and Girls in Pakistan’, published April 2019, stated, ‘Rural women are at a higher risk of all types of VAWG [violence against women and girls]. This finding is statistically significant and supported by qualitative insights.’¹¹³

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6.2 Workplace harassment and abuse

- 6.2.1 The Asian Human Rights Commission (AHRC) 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”. [...]

‘Sexual harassment is multi layered issue Firstly, women endeavor to hide harassment due to shame associated with the act and cultural and social restrain. 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.’¹¹⁴

- 6.2.2 The USSD HR Report 2018 stated ‘Although several laws criminalize sexual harassment in the workplace and public sphere, the problem was reportedly widespread. The law requires all provinces to have provincial-level

¹¹² SDPI, Socio-economic and Cultural Factors (of DV), (Abstract), August 2016, [url](#).

¹¹³ DFID, Economic and Social Costs of VWAG in Pakistan’, (page 18) April 2019, [url](#).

¹¹⁴ AHRC, ‘Pakistan: Sexual harassment-a manifestation of exerting power...’, 25 January 2018, [url](#).

ombudsmen. The Sindh, Punjab, and KP provinces, and Gilgit-Baltistan had established ombudsmen.¹¹⁵

6.2.3 Dawn stated in an article published on 10 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.’¹¹⁶

6.2.4 The SDPI report concluded that:

‘...the issue of workplace harassment is quite large both in urban and rural areas of Sindh and the Punjab provinces. In Sindh, many cases came to light wherein male colleagues took photographs of their female colleagues and uploaded them on various websites without their permission. In rural districts, like Khanewal, where women mostly work in health or education sector, it was learnt that young nurses, lady doctors and female teachers were often subjected to mental and sexual abuse, especially during night duties. When they complained, they were transferred to far-flung villages of the districts. At least eight respondents highlighted that though the Work Harassment Bill exists and cases are reported, implementation of the law is the real issue. Women often withdraw the cases due to social pressures. Otherwise, the cases remain pending in courts for years, resulting in little outcomes.’¹¹⁷

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6.3 Domestic abuse

6.3.1 Domestic abuse is defined as physical, sexual and economic abuse, stalking, harassment, verbal and emotional abuse¹¹⁸. The USSD HR Report 2018 noted domestic violence was widespread in Pakistan¹¹⁹. The HRCP 2018 report noted that violence was typically committed by husbands, fathers, brothers and in-laws¹²⁰. According to the USSD HR Report 2018 ‘Forms of domestic violence reportedly included beating, physical disfigurement, shaving of women’s eyebrows and hair, and – in extreme cases – homicide. In-laws frequently abused and harassed the wives of their sons. Dowry and other family-related disputes sometimes resulted in death or disfigurement by burning or acid.’¹²¹

6.3.2 In its key findings on domestic violence, PDHS 2017-18 noted:

- ‘Experience of violence: 28% of women age 15-49 have experienced physical violence since age 15, and 6% have experienced sexual

¹¹⁵ USSD, ‘Country Report on Human Rights for 2018’, (page 42), 13 March 2019, [url](#)

¹¹⁶ Dawn, ‘Skirt lengths and bhuna gosht’, 10 March 2018, [url](#).

¹¹⁷ SDPI, Socio-economic and Cultural Factors (of DV), (page 10), August 2016, [url](#).

¹¹⁸ Dawn, ‘Tackling domestic violence’, 11 February 2014, [url](#).

¹¹⁹ USSD, ‘Country Report on Human Rights for 2018’, (page 39), 13 March 2019, [url](#)

¹²⁰ HRCP, ‘State of Human Rights in 2018’, (page 179), March 2019, [url](#).

¹²¹ USSD, ‘Country Report on Human Rights for 2018’, (page 39), 13 March 2019, [url](#)

violence. Seven percent of women who have ever been pregnant have experienced violence during pregnancy.

- Marital control: 8% of ever-married women report that their husbands display three or more specific types of controlling behaviours.
- Spousal violence: 34% of ever-married women have experienced spousal physical, sexual, or emotional violence. The most common type of spousal violence is emotional violence (26%), followed by physical violence (23%). Five percent of women have experienced spousal sexual violence.
- Injuries due to spousal violence: 26% of ever-married women who have experienced spousal physical or sexual violence have sustained injuries. Cuts and bruises are the most common types of injuries reported.
- Help seeking: 56% of women who have experienced any type of physical or sexual violence have not sought any help or talked with anyone about resisting or stopping the violence.¹²²

6.3.3 The Journal of Interpersonal Violence (a twice monthly journal devoted to the study and treatment of victims and perpetrators of interpersonal violence), published an article on 14 May 2015 entitled 'Women's Perceptions and Experiences of Domestic Violence: An Observational Study From Hyderabad, Pakistan'. This report was a community-based study of 1,325 women seen for antenatal care which examined how women in Pakistan define violence against women (VAW), with an emphasis on domestic violence, what an acceptable response to violence is, reasons for remaining silent, and whether participants are willing to disclose incidents of domestic violence to others:

'Nearly half of the study participants believed that physical violence was VAW. Verbal abuse, controlling behavior by the husband, conflict with in-laws, overburdening domestic work, and threatening to leave or remarry were also considered VAW. However, only five respondents (0.4%) considered sexual abuse to be VAW. Most women who screened positive for domestic violence responded by remaining silent or verbal fighting back. None sought professional help. Women who decided to remain silent feared that the abuse would escalate or that responding would not help them. Women cited social stigma and concerns about the impact of the violence on children as reasons for not disclosing violent incidents to others or seeking professional help. Women's lack of autonomy further reduced their ability to take steps against violence. Although societal norms, particularly patriarchal beliefs and women's subordination to men, likely explain women's tolerance of abuse, their recognition of physical abuse as violence indicates that they do not necessarily believe it is always justified.'¹²³

6.3.4 In the summary taken from 'Domestic Violence against Women in Pakistan and its Solution from an Islamic Perspective: A Critical and Analytical Study', published 16 June 2017 on SSRN, an on-line site for sharing working papers, Muhammadd Tahir noted:

¹²² NIPS, 'PDHS 2017-18', (page 303), January 2019, [url](#).

¹²³ Journal of Interpersonal Violence, 'Women's Perception and...', (Abstract) 14 May 2015, [url](#).

'In Pakistan, female domestic violence is an endemic social issue in the cities and rural areas, which is increasing at an alarming rate. Generally, female domestic violence is considered a private family issue without any appropriate focus on assessment, intervention, and solutions in Pakistani society. Women have to bear violence and discrimination on a daily basis due to the misuse of social and cultural values and religious norms in the Pakistani society.'¹²⁴

6.3.5 A joint report, supported by funding from the UK Department for International Development 'Economic and Social Costs of Violence against Women and Girls in Pakistan', published April 2019, identified factors affecting intimate partner violence (IPV):

- 'Education: Married women, who completed their education up to secondary level (grades eight to ten) were more vulnerable to IPV than women without any formal education. However, the likelihood of IPV substantially declined among married women with tertiary education or technical education.
- 'Employment status: employed women, other than fixed salary employees, were at a higher likelihood of IPV, compared to those married women who were not employed. The finding may indicate a form of punitive or controlling behaviour when women are seen to transgress gendered social roles.
- 'Child marriage: Women married before 18 years were more likely to experience IPV compared to women married at 18 years old or older.
- 'Other family violence: Married women experiencing violence from other family members were more likely to have experienced IPV.
- 'Trust in authorities: Women from communities where local authorities and police are not trusted were more vulnerable to IPV.'¹²⁵

6.3.6 The report also noted that, 'Younger women (under 40 years old) are at a higher risk of IPV. This finding is also consistent across all types of violence i.e. psychological, physical and combined physical/sexual.'¹²⁶

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6.4 Rape and sexual assault

6.4.1 Rape was a severely under-reported crime and there were no reliable statistics due to under-reporting and no centralised data collection. Spousal rape was not explicitly criminalised¹²⁷.

6.4.2 The SDPI report (concentrating on the provinces of Sindh and Punjab) noted, 'Rape, one of the biggest violations of human rights, is still rampant in Sindh and the Punjab. Not only is the number of cases increasing as reported by respondents, the brutality and callousness of the act is also

¹²⁴ SDPI, Socio-economic and Cultural Factors (of DV), (page 10), August 2016, [url](#).

¹²⁵ DFID, 'Economic and Social Costs of VWAG in Pakistan', (page 17) April 2019, [url](#).

¹²⁶ DFID, 'Economic and Social Costs of VWAG in Pakistan', (page 18) April 2019, [url](#).

¹²⁷ USSD, 'Country Report on Human Rights for 2018', (page 38), 13 March 2019, [url](#).

getting more and more horrendous.’ The report drew the following conclusion:

‘...despite an overall consensus that rape is one of the biggest violations of human rights (as respondents indicated that other violations were often justified by perpetrators in the name of religion, culture and honour), it is difficult to identify the factors and influences that result in its practice except for psycho-sexual behaviour. In some cases, rape was used to take vengeance from rivals, but in case of incest, this justification does not hold. Nonetheless, it was agreed that rape and sexual assault are primarily driven by the sentiments of having dominance.’¹²⁸

- 6.4.3 In 2017, the Express Tribune reported that 70% of women and girls in Pakistan experienced physical or sexual violence in their lifetime by their intimate partner and 93% of women experienced some form of sexual violence in a public place¹²⁹.
- 6.4.4 According to the HRCP 2018 report ‘Technical experts agree that reported cases of rape and gang rape represent a small percentage of actual incidents. The continued absence of reporting mechanisms and environments sensitive to the issue discourages women and trans people from reporting.’¹³⁰

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6.5 ‘Honour’ crimes

- 6.5.1 The Criminal Law (Amendment) Act 2004, of the Pakistan Penal Code (PPC), includes the provision stating that an ‘offence committed in the name or on the pretext of honour’ means an offence committed in the name or on the pretext of karo kari¹³¹, siyah kari or similar other customs or practices¹³².
- 6.5.2 In 2013, the Immigration and Refugee Board of Canada (IRB) provided a brief description of the custom of ‘[honour crimes](#)’, including; definitions, its motives, methods and to whom it applied, as well as its prevalence and relevant legislation and state response to it¹³³.
- 6.5.3 According to the IRB response, honour crimes, which usually take place when a man claims that a woman has brought dishonour to the family, include murder (‘honour killing’), assault, acid throwing, confinement, imprisonment, interference with a choice of marriage, burning, and nose-cutting, which were most common in rural areas of Pakistan although such incidents also occurred in urban areas. The majority of victims were women, though men were also affected¹³⁴.
- 6.5.4 The IRB response quoted various sources including the HRCP saying ‘that the methods for killing in the name of honour vary according to the

¹²⁸ SDPI, Socio-economic and Cultural Factors of VAW’, (pages 10-11), August 2016, [url](#).

¹²⁹ Express Tribune, ‘93% of Pakistani women experience sexual violence’, 8 March 2017, [url](#).

¹³⁰ HRCP, ‘State of Human Rights in 2018’, (page 181), March 2019, [url](#).

¹³¹ In Sindh, Karo kari means ‘black man - black woman,’ and is a metaphoric term for someone who has brought dishonour. It also refers to the adulterer and the adulteress. In Punjab province, honour killing is known as kala kali; in Balochistan, siyah kari; and in Khyber Pakhtunkhwa, tor tora.

¹³² Pakistan Penal Code (Act XLV 1860), (Article 299 (ii), 6 October 1860, [url](#).

¹³³ IRB, ‘Pakistan: Honour killings targeting men and women’, 15 January 2013, [url](#).

¹³⁴ IRB, ‘Pakistan: Honour killings targeting men and women’, 15 January 2013, [url](#).

region.[...] For example, in the Sindh province, the victim may be cut to pieces with an axe; and in Punjab, the killing is usually carried out by shooting the victim (ibid.). The HRCP also indicates that the methods used include the use of firearms, blunt weapons and strangulation [...]. According to the Independent, acid attacks are also “commonplace” in cases related to honour in Pakistan [...]. Sources report the killing of a 15 year-old girl in November 2012 by her parents with acid after she was “looking at boys” [...]. The HRCP reports that, out of 943 honour killings in 2011, 19 women were first raped, 12 were gang-raped before being murdered, and “only” 20 women received medical attention before they died.’ The IRB response also noted that that it is difficult to obtain precise statistics and many honour killings go unreported¹³⁵.

6.5.5 The Qisas and Diyat Ordinance allows for financial compensation paid to the victim or their family in the case of murder and bodily harm¹³⁶. However, as noted in a 2018 report on rural women, under the Criminal Law Amendment Act, ‘... cases of honor killing are considered as crimes against the state and the families no longer have the option of forgiving those responsible for honor killings.’¹³⁷ Despite this change in law, which brought the penalties for honour killings in line with murder, Amnesty International noted in its 2017/18 annual report that a judge may decide whether the crime is one of ‘honour’, adding ‘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.’¹³⁸

6.5.6 According to a September 2017 Human Rights Watch (HRW) article, despite the passing of an ‘anti-honour killing’ law in Pakistan in October 2016, honour-killings continued in the country. The article noted:

‘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 [tribal councils]. 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. [see [Support centres and shelters](#)]

‘The government should issue clear guidance in consultation with women’s rights groups, on safety assessments the police should conduct before releasing girls into the custody of their relatives. The Pakistani government should act quickly and decisively to ensure that no interpretation of religious or cultural norms prevails over basic rights.’¹³⁹

6.5.7 According to the HRCP 2018 report:

‘Across categories, women continue to suffer brutal violence. The overwhelming majority of violent deaths of women were at the hands of men known to them, most often family members. “Honour” was cited in murders of women committed by fathers, husbands, brothers, and in-laws, although

¹³⁵ IRB, ‘Pakistan: Honour killings targeting men and women’, 15 January 2013, [url](#).

¹³⁶ Express Tribune, ‘Govt fixes new value of Diyat’, 1 July 2019, [url](#).

¹³⁷ Zaidi Y., Farooq S. et al, ‘Rural Women in Pakistan - Status Report 2018’ (page 124), 2018, [url](#).

¹³⁸ Amnesty International, ‘Pakistan 2017/2018’, 22 February 2018, [url](#).

¹³⁹ HRW, “Honor” Killings Continue in Pakistan Despite New Law’, 25 September 2017, [url](#).

further investigations revealed much less lofty motivations. Fathers killed their daughters for wishing to exercise greater autonomy in spousal choice. Sixteen-year-old Sara was gunned down by her father and uncle in Gujranwala in November when she asked to marry someone of her choice. The case of Sana Cheema, an Italian national, made headlines across the world in April. Her family in Gujrat said she had died from an unspecified illness. Her body was exhumed after an Italian publication reported that she had been murdered for “honour”. An autopsy report revealed that she had been strangled to death and the police said her father and brother had confessed to her killing.

‘Husbands killed wives for suspected infidelity, claiming in their police statements that their suspicions were adequate grounds for murder. Women who exercised or attempted to exercise their own choice in partners were subjected to confinement, beatings, and life-ending violence by fathers and brothers. Rejected suitors exacted their revenge by violently attacking women, often with acid to disfigure the women they claimed to want to marry.’¹⁴⁰

6.5.8 The HRCP 2018 report cited a former Sindh inspector general of police who said, at a seminar held in Karachi in November 2018, that ‘... Punjab had the highest “honour” related crime rate, while Sindh, Khyber Pakhtunkhwa (KP) and Balochistan were second, third and fourth, respectively. He added that 87 percent women and 13 percent of men in Pakistan were victims of this violence.’¹⁴¹ The National Commission for Human Rights (NCHR) latest annual report, covering 2017 events, cited an increase in reports of honour crimes, recording 18 complaints in 2017 compared to 2 in 2016¹⁴². Zohta Yusuf, former chairperson of the HRCP, told Deutsche Welle that, in 2017, 700 women were killed in the name of honour; however, most cases went unreported¹⁴³.

6.5.9 Radio Free Europe / Radio Liberty (RFE/RL) 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. He 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.’¹⁴⁴

6.5.10 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

¹⁴⁰ HRCP, ‘State of Human Rights in 2018’, (pages 179-180), March 2019, [url](#).

¹⁴¹ HRCP, ‘State of Human Rights in 2018’, (page 180), March 2019, [url](#).

¹⁴² NCHR, ‘Annual Report 2017’, (page 110), 25 January 2019, [url](#).

¹⁴³ Deutsche Welle, ‘A daughter killed by her family’, 19 November 2018, [url](#).

¹⁴⁴ RFE/RL, ‘Pakistani Police Arrest 12 Over “Revenge Rape”’, 26 March 2018, [url](#).

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.¹⁴⁵

6.5.11 The DFAT report of February 2019 noted ‘Family members carry out honour killings against relatives perceived to have brought dishonour on the family by refusing an arranged marriage, forming a romantic attachment not approved by the family or, in the case of girls, for dress or behaviour deemed insufficiently modest. While young men can be targets of honour killing, most victims are female.’¹⁴⁶

6.5.12 Asad Butt of the HRCP told Deutsche Welle in October 2018 “There have been instances where the families of couples who married out of free will promised to the police that they would not harm the couple and hold a wedding ceremony. However, when the couple returned to the families, they were murdered in the name of honor and the matter was covered up”.¹⁴⁷

See also [Love marriage](#).

6.5.13 In November 2018, Zohra Yusuf, former chair of the HRCP, told Deutsche Welle, “In Pakistan, it is not only individuals that commit “honor killings;” even tribal courts sentence women to death for “dishonouring” a family or a tribe”.¹⁴⁸

See also [Access to justice](#).

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6.6 Child and forced marriage

6.6.1 Regarding child marriage, the USSD HR Report 2018 noted ‘Despite legal prohibitions, child marriages occurred’ and ‘According to a 2017 nationally representative Gallup survey, 24.7 percent of women in Pakistan were married before aged 18.’ The report added that such practices were more prevalent in rural areas where cases existed of poor parents selling their daughters into marriage, occasionally to settle debts or disputes¹⁴⁹.

¹⁴⁵ Amnesty International, ‘Pakistan 2017/2018’, 22 February 2018, [url](#).

¹⁴⁶ DFAT, ‘Country Information Report Pakistan’, (para 3.203), 20 February 2019, [url](#).

¹⁴⁷ Deutsche Welle, ‘Pakistan honor killings haunting young women’, 22 October 2019, [url](#).

¹⁴⁸ Deutsche Welle, ‘A daughter killed by her family’, 19 November 2018, [url](#).

¹⁴⁹ USSD, ‘Country Report on Human Rights for 2018’, (page 43), 13 March 2019, [url](#)

- 6.6.2 According to a 2018 report on rural women in Pakistan, ‘... early and child marriage is on the decline, with 19 as the median age of marriage in rural areas and 21 years in urban. The percentage of young girl’s [sic] age[d] 12-16 that are married is only 1.7%.’¹⁵⁰
- 6.6.3 The USSD HR Report 2018 stated:
 ‘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 2017 amendment to the penal code 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 ([US]\$7,200), up from 1,000 rupees (seven dollars).’¹⁵¹ However, the USSD noted that, although forced marriage was listed as a criminal offence and many cases were filed in court, prosecution remained limited¹⁵².
- 6.6.4 The USSD HR Report 2018 also noted, ‘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.’¹⁵³
- 6.6.5 According to the Dawn news, reporting on 30 April 2019, the Senate passed a bill seeking to set the minimum age for marriage at 18, despite opposition from religious groups, who termed it un-Islamic¹⁵⁴. The bill still had to be passed by the National Assembly for it to become law^{155 156}.
- 6.6.6 On forced marriage, the USSD HR Report 2018 noted:
 ‘The 2011 Prevention of Anti-women Practices Amendment Act criminalizes and punishes the giving of a woman in marriage to settle a civil or criminal dispute; depriving a woman of her rights to inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the 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. Although prohibited by law, these practices continued in some areas.’¹⁵⁷
- 6.6.7 The HRCP 2018 report noted ‘Women from religious minority communities remained particularly vulnerable to abuse. According to a report by the Movement for Solidarity and Peace in Pakistan, at least 1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every

¹⁵⁰ Zaidi Y., Farooq S. et al, ‘Rural Women in Pakistan - Status Report 2018’ (page 86), 2018, [url](#).

¹⁵¹ USSD, ‘Country Report on Human Rights for 2018’, (page 43), 13 March 2019, [url](#)

¹⁵² USSD, ‘Country Report on Human Rights for 2018’, (page 43), 13 March 2019, [url](#)

¹⁵³ USSD, ‘Country Report on Human Rights for 2018’, (page 43), 13 March 2019, [url](#)

¹⁵⁴ Dawn, ‘Child marriage restraint bill sails through Senate’, 30 April 2019, [url](#).

¹⁵⁵ The National, ‘Pakistan passes bill to end child marriage ...’, 30 April 2019, [url](#).

¹⁵⁶ Dawn, ‘Bill against child marriage divides parties in NA’, 1 May 2019, [url](#).

¹⁵⁷ USSD, ‘Country Report on Human Rights for 2018’, (page 41), 13 March 2019, [url](#).

year. The government has done little in the past to stop such forced marriages.¹⁵⁸

- 6.6.8 The DFAT reported on the occurrence of ‘carer marriages’, whereby ‘women are married to someone with a disability in order to care for them. Women may also be married in order to care for a disabled and/or older wife, or to provide a “fresh face” for the family.’¹⁵⁹

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Section 7 updated: 12 November 2019

7. State treatment and attitudes

7.1 Implementation and enforcement of legislation

- 7.1.1 The DFAT report noted ‘Overall implementation of gender-based legislation lags, and the HRCP reported little substantive progress in 2017 on the rights of women and girls, particularly for females living in rural areas or settlements, those from religious minority or lesbian, gay, bisexual, transgender and intersex (LGBTI) communities, and those living with a disability.’¹⁶⁰ Despite numerous legislation enacted in the past decade focussing on women’s rights, the HRCP 2018 report noted ‘The fact that so many violent and unlawful practices persist and continue to escalate illustrates yet again the massive challenges to implementing the law and changing deeply entrenched societal attitudes.’¹⁶¹
- 7.1.2 According to the USSD HR Report 2018, ‘The government did not effectively enforce the 2006 Women’s Protection Act, which brought the crime of rape under the jurisdiction of criminal rather than Islamic courts.’¹⁶² Further adding ‘In 2016 Parliament passed an anti-rape 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.’¹⁶³
- 7.1.3 The same report stated:
‘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. NGOs reported that rape was a severely underreported crime.’¹⁶⁴
- 7.1.4 The USSD HR Report 2018 also noted:
‘A 2004 law on honor killings, the 2011 Prevention of Anti-women Practices Act, and the 2016 Criminal Law Amendment (Offenses in the Name or

¹⁵⁸ HRCP, ‘State of Human Rights in 2018’, (page 174), March 2019, [url](#).

¹⁵⁹ DFAT, ‘Country Information Report Pakistan’, (para 3.210), 20 February 2019, [url](#).

¹⁶⁰ DFAT, ‘Country Information Report Pakistan’, (para 3.201), 20 February 2019, [url](#).

¹⁶¹ HRCP, ‘State of Human Rights in 2018’, (page 172), March 2019, [url](#).

¹⁶² USSD, ‘Country Report on Human Rights for 2018’, (page 38), 13 March 2019, [url](#).

¹⁶³ USSD, ‘Country Report on Human Rights for 2018’, (page 38), 13 March 2019, [url](#).

¹⁶⁴ USSD, ‘Country Report on Human Rights for 2018’, 13 March 2019, [url](#).

Pretext of Honor) Act criminalize acts committed against women in the name of traditional practices. Despite these laws, hundreds of women reportedly were victims of so-called honor killings, and many cases went unreported and unpunished. In many cases, the male involved in the alleged “crime of honor” was allowed to flee. Because these 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 these crimes.’¹⁶⁵

- 7.1.5 Cited in the Express Tribune in June 2019, Sarah Zaman of War Against Rape (WAR) said ‘... new legislation has ensured a quick trial of rape cases but enforcement is still lacking. She said the trial courts are supposed to give the verdict within three months of the institution of the FIR [First Information Report] while three more months are provided to decide upon the appeal. Defence and prosecution lawyers are not allowed to discuss the past or the character of a woman rape victim, she added.’¹⁶⁶

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7.2 Access to justice

- 7.2.1 In its July 2017 report, the UN CESCR expressed its concern that:
‘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.’¹⁶⁷
- 7.2.2 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.’¹⁶⁸
- 7.2.3 As noted in the USSD HR Report 2018, the 2006 Women’s Protection Act requires victims of rape to complain directly to a sessions court, deemed a trial court for heinous crimes. The report noted ‘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

¹⁶⁵ USSD, ‘Country Report on Human Rights for 2018’, (page 40), 13 March 2019, [url](#).

¹⁶⁶ Express Tribune, ‘Hardly 2% of domestic violence, rape cases ...’, 17 June 2019, [url](#).

¹⁶⁷ UNCESCR, ‘Concluding observations’, (para 33), 20 July 2017, [url](#).

¹⁶⁸ Amnesty International, ‘Widespread human rights violations continue’, November 2017, [url](#).

courts.’ Prosecutions for rape were rare, although rates reportedly increased following awareness programmes¹⁶⁹.

7.2.4 Informal justice systems, which lacked formal legal protections, continued in rural areas¹⁷⁰. The DFAT report of February 2019 noted ‘Although the Sindh High Court declared jirgas illegal in 2004, confirmed by the Supreme Court in 2005, they continue to operate. Jirga verdicts can include honour killings, mutilation, and badal-e-sulah, where girls and young women are given away to settle blood feuds or land disputes among men.’¹⁷¹

7.2.5 According to DFAT, in 2017 it was reported by the HRCP that ‘local authorities cooperate in enforcing jirga verdicts, and that many heads or members of jirgas are elected members of local government, provincial assemblies or federal parliament.’¹⁷²

7.2.6 According to the USSD HR Report 2018, jirgas or panchayats (council meetings) often imposed harsh punishments, including death, for women accused of ‘honour’ crimes¹⁷³. In September 2019, Deutsch Welle cited women’s rights activist Mukhtaran Mai, who said “Women police stations and other facilities are set up in cities while the majority of the violence cases take place in villages [...] In rural areas, feudal landlords call the shots; the administration and police are subservient to these feudal chieftains who view women as commodities”.¹⁷⁴ The HRCP 2018 report noted ‘Gang rape remains a primary method of panchayats and village elders to enact ‘justice’ and resolve conflict in their communities.’¹⁷⁵

7.2.7 The HRCP 2018 report stated:

‘The Alternate Dispute Act of 2017 was enacted to reduce the huge backlog of cases in the courts. It allows informal and traditional “courts” to settle 23 types of civil and criminal disputes, including matters such as the dissolution of marriage and payment of maintenance, personal injury, and various disputes over property settlement. These traditional courts, known locally as panchayats or jirgas, are run by tribal and community elders primarily in rural areas, and civil society and human rights activists believe them to be historically detrimental to women’s rights. There is considerable concern that the lack of safeguards will undermine any hard-fought for progress made in recent years.’¹⁷⁶

7.2.8 The Cornell Policy Review, an online journal run by Cornell Institute for Public Affairs Fellows, reported in May 2019 on the Pakistan’s response to violence against women (VAW) in Punjab:

‘Due to the lack of streamlined access to justice for women survivors of violence, successful conviction of VAW crimes remains very low. Female survivors of VAW who choose to report their cases, struggle to seek justice in the country’s convoluted and disjointed legal process. After filing a

¹⁶⁹ USSD, ‘Country Report on Human Rights for 2018’, (page 38), 13 March 2019, [url](#).

¹⁷⁰ USSD, ‘Country Report on Human Rights for 2018’, (page 14), 13 March 2019, [url](#).

¹⁷¹ DFAT, ‘Country Information Report Pakistan’, (para 3.203), 20 February 2019, [url](#).

¹⁷² DFAT, ‘Country Information Report Pakistan’, (para 3.203), 20 February 2019, [url](#).

¹⁷³ USSD, ‘Country Report on Human Rights for 2018’, (page 14), 13 March 2019, [url](#).

¹⁷⁴ Deutsche Welle, ‘Violence against women on the rise in Pakistan’, 23 September 2019, [url](#).

¹⁷⁵ HRCP, ‘State of Human Rights in 2018’, (page 180), March 2019, [url](#).

¹⁷⁶ HRCP, ‘State of Human Rights in 2018’, (page 173), March 2019, [url](#).

complaint with the police, they must complete a medical and legal examination in a certified government hospital. A certificate is obtained after the examination that the victim must present to the police to register the case officially. Since there is a clear lack of investigation officers trained to respond to sexually based offenses, prosecutors often raise objections to the evidence they receive from police officers which has negative implications for the strength of the case.

‘Evidence is often reverted back to prosecution where objections arise and lead to serious delays in the development of the case and the mishandling of evidence. Most cases of VAW are lost as a result of these weak justice delivery institutions, incompetent service providers, delays in coordination, and/or the prevalence of desensitized male doctors, lawyers, police officers, prosecutors, and judges whose biases and prejudices exacerbate the trauma experienced by the victim.’¹⁷⁷

- 7.2.9 The Guardian reported in June 2019 that Pakistan’s top judge announced that more than 1,000 courts will be set up dedicated to tackling violence against women. The new courts will operate in existing courthouses but will hold domestic violence hearings separately from other cases to enable victims to testify in confidence. A pilot court of this kind was opened in 2017 in Punjab¹⁷⁸. According to Reuters, human rights campaigners said the court established in Lahore had been a success¹⁷⁹.

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7.3 Treatment by, and attitudes of, the justice system and the police

- 7.3.1 In a June 2017 report, the National Commission on the Status of Women (NCSW) noted that despite many years of law reforms, ‘victims of rape and other sexual offences are unable to access justice as their legal right. Attitude of state institutions has not seen any significant change in providing protection to women. Investigation remains fixed on the idea of virginity, finding semen stains and bruises on the survivor’s body.’¹⁸⁰

- 7.3.2 The CHR Michelsen Institute (CMI), a Norwegian-based independent research organisation, noted in its September 2017 report on the criminalisation of rape in Pakistan, that:

‘Some lawyers and government officials went so far as to suggest that women were partly at fault for violence against them. These respondents expressed their belief that women should not be able to get away with flaunting public morality ...

‘Even though the WPA [Women’s Protection Act] now provides protection for victims of rape, the cases that arise in practice often compromise the delivery of justice. A number of social, cultural, and structural barriers contribute to this, including society’s view of the status of women, knowledge about the law itself, and lack of effective implementation ...

¹⁷⁷ Cornell Policy Review, ‘Improving the State’s Response...’, 10 May 2019, [url](#).

¹⁷⁸ Guardian, ‘Pakistan to create 1,000 courts to tackle violence against women’, 20 June 2019, [url](#)

¹⁷⁹ Reuters, ‘Pakistan to set up special courts to tackle violence against women’, 19 June 2019, [url](#).

¹⁸⁰ NCSW, ‘Access to justice for survivors of sexual assault’, (page 7), June 2017, [url](#).

'The respondents unanimously shared their opinion that women are suppressed in Pakistan and face a number of barriers in everyday life. This makes it difficult for women to benefit from women's protection laws in place. The respondents focused on the fact that in Pakistan's male dominated culture, women are suppressed and therefore vulnerable to exploitation and violence. Even after an incident, they must depend on their male relatives to seek justice, as they cannot move alone due to traditional gender roles. For example, this means that a male member of the family always accompanies a women to report a crime.'¹⁸¹

7.3.3 A 2017 report on intimate partner violence (IPV) in Bangladesh, Nepal and Pakistan, by the Overseas Development Institute (ODI), an independent global think tank, noted that:

'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 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 [...].'¹⁸²

7.3.4 According to the USSD HR Report 2018 'Women who tried to report abuse often 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.'¹⁸³

7.3.5 The NCSW reported that it was not uncommon for the police to refuse to register reported cases of rape¹⁸⁴.

7.3.6 Regarding attitudes of the judiciary, the NCSW reported:

'It is not uncommon for courts to make comments about the pristine honour of a woman – either when accepting or rejecting the plea of the accused. While rejecting the contention of accused that his implication in alleged rape was to pressurize him in civil litigation between the parties, the court observed "it is not believable, as in our society no one can put at stake her own honour and the honour of her family for petty matters".'¹⁸⁵

7.3.7 The same report recited cases of rape in which courts called into question a woman's sexual conduct or that they 'invited' rape due to their behaviour¹⁸⁶.

¹⁸¹ CMI, 'The Criminalisation of Rape in Pakistan', (pages 17-18), September 2017, [url](#).

¹⁸² ODI, 'Men and Intimate Partner Violence...', (page 48), March 2017, [url](#).

¹⁸³ USSD, 'Country Report on Human Rights for 2018', (page 39), 13 March 2019, [url](#).

¹⁸⁴ NCSW, 'Access to justice for survivors of sexual assault', (page 34), June 2017, [url](#).

¹⁸⁵ NCSW, 'Access to justice for survivors of sexual assault', (page 21), June 2017, [url](#).

¹⁸⁶ NCSW, 'Access to justice for survivors of sexual assault', (pages 22-24), June 2017, [url](#).

- 7.3.8 The DFAT report noted ‘Police lack capacity to process cases and handle evidence in cases of rape and domestic violence. Cultural attitudes towards acceptability of violence also affect both investigations and the willingness of victims to report. The small number of women police officers also likely contributes to under-reporting. Successful prosecutions are rare. Some victims choose to report to the media or local politicians, rather than the police.’¹⁸⁷ (see [Women police stations](#)).
- 7.3.9 As noted in the USSD HR Report 2018 ‘NGOs reported police sometimes accepted bribes from perpetrators, abused or threatened victims, and demanded they drop charges, especially when suspected perpetrators were influential community leaders. Some police demanded bribes from victims before registering rape charges, and investigations were often superficial. Furthermore, accusations of rape were often resolved using extrajudicial measures, with the victim frequently forced to marry her attacker.’¹⁸⁸
- 7.3.10 HRW reported in May 2019 on allegations of rape and sexual assault by police officers. The report stated:
 ‘These cases highlight the difficulty Pakistan’s sexual violence survivors have getting recourse. Sexual assault victims often fear pressing charges because they and their families may become subject to harassment and intimidation by the police, due to harmful gender attitudes and pressure from perpetrators. Without proper witness protection, survivors can easily be intimidated into silence. These barriers reflect deeply entrenched gender inequality within Pakistani society, including in state institutions such as the police and judiciary.’¹⁸⁹
- 7.3.11 The Sarah Zaman of War Against Rape (WAR) stated in June 2019 ‘... the conviction rate in rape cases in Punjab is hardly 10%. “In 74% of the cases, witnesses seem to have withdrawn out of fear,” she pointed out, deploring that the lack of witness protection mechanisms was the underlying cause.’¹⁹⁰ Women’s rights activist Professor Arfana Mallah said conviction rates for rape and domestic violence cases was barely 2%¹⁹¹.
- 7.3.12 The practice of using the ‘two-finger test’ (i.e. whether two fingers can be inserted in the vagina) on female victims of sexual violence continued, despite not being prescribed in medico legal guidelines and standard operating procedures issued by provincial health departments. This test put into question the survivor’s sexual conduct and resulted in subjective, prejudiced opinions by doctors, resulting in the survivor’s testimony being considered unreliable. A deficiency of forensic testing facilities caused delays in obtaining DNA reports and poor funding of police investigations into sexual violence hindered and impeded submitting samples for DNA testing¹⁹².
- 7.3.13 The USSD HR Report 2018 noted ‘The use of post-rape medical testing increased, but medical personnel in many areas did not have sufficient

¹⁸⁷ DFAT, ‘Country Information Report Pakistan’, (para 3.208), 20 February 2019, [url](#).

¹⁸⁸ USSD, ‘Country Report on Human Rights for 2018’, (pages 38-39), 13 March 2019, [url](#).

¹⁸⁹ HRW, ‘Rape Allegations Against Pakistan’s Police’, 23 May 2019, [url](#).

¹⁹⁰ Express Tribune, ‘Hardly 2% of domestic violence, rape cases ...’, 17 June 2019, [url](#).

¹⁹¹ Express Tribune, ‘Hardly 2% of domestic violence, rape cases ...’, 17 June 2019, [url](#).

¹⁹² Shirkat Gah, ‘Supplementary Information for the Adoption...’, (pages 7-8), 10 June 2019, [url](#).

training or equipment, which further complicated prosecutions. Most victims of rape, particularly in rural areas, did not have access to the full range of treatment services.¹⁹³

- 7.3.14 In June 2019, Sarah Zaman of WAR indicated the lack of expert medico legal officers (MLOs) and poor training of existing MLOs when it came to be dealing with rape cases¹⁹⁴.

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Section 8 updated: 12 November 2019

8. Assistance available to women

8.1 Women police stations

- 8.1.1 The Government of Pakistan's fifth periodic report to CEDAW, dated 23 October 2018, noted that 20 Women Police Stations had been established in different cities all over Pakistan¹⁹⁵. These are staffed with women who provide help to female victims of crime and domestic violence and give legal advice and counselling to women¹⁹⁶. The CEDAW report added 'Women Help desks and complaint cells have been established at large number of police stations throughout Pakistan to provide relief to women who feel reluctant to approach male dominated police stations.' For example, 696 police stations in Punjab have help desks for women¹⁹⁷.

- 8.1.2 The USSD HR Report 2018 stated '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 place to report complaints and file charges. These women's police stations, however, were limited in number and, as with most police stations, faced financial and human resource shortages.'¹⁹⁸

- 8.1.3 The HRCP 2018 report noted there were 3 women's police stations in Punjab province – Lahore, Rawalpindi and Faisalabad, staffed with female police officers¹⁹⁹.

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8.2 Support centres and shelters

- 8.2.1 The 10 June 2019 Shirkat Gah report stated regarding Darul Amans (shelters) and Women Centres:

'Punjab now has government-run shelters for women in each district (36) as well as the VAW [violence against women] centre in Multan, but there are only five Darul Amans in Sindh (one under a private-public partnership management), five functional in KP and only two in Balochistan. Poor or non-implementation of existing provisions of these institutions impedes effective functioning. For example, the Provincial Shelter Homes Oversight

¹⁹³ USSD, 'Country Report on Human Rights for 2018', (page 39), 13 March 2019, [url](#).

¹⁹⁴ Express Tribune, 'Hardly 2% of domestic violence, rape cases ...', 17 June 2019, [url](#).

¹⁹⁵ UNCEDAW, 'Fifth periodic report submitted by Pakistan', (paras 73), 23 October 2018, [url](#).

¹⁹⁶ Punjab Police, Women Police Stations, n.d., [url](#).

¹⁹⁷ UNCEDAW, 'Fifth periodic report submitted by Pakistan', (para 89), 23 October 2018, [url](#).

¹⁹⁸ USSD, 'Country Report on Human Rights for 2018', (page 39), 13 March 2019, [url](#).

¹⁹⁹ HRCP, 'State of Human Rights in 2018', (page 79), March 2019, [url](#).

Committee in Sindh notified in 2016 has still not been constituted. Only one VAW centre has been established under the Punjab Protection Act, which depends on the opening of such centres to come into effect. The supervisory Punjab Protection Committee for VAW centres is not yet functional as its composition is incomplete; the budget for the period July 2018 to June 2019 was only released in March 2019.

‘Darul Amans are run by provincial Social Welfare Departments, which are not well-equipped to run these shelters and staff lacks gender sensitivity. Civil society actors seeking to conduct independent inspections are frequently denied access to these centers.

‘Standard Operating Procedures (SOPs) for shelter homes have been developed, but only notified in Sindh and Punjab. In Sindh, a Database to improve SOP implementation was developed and IT equipment procured for this purpose, but there is no evidence of the database being utilized to generate relevant data, impeding reports vital for improving shelter home services.’²⁰⁰

8.2.2 The USSD HR Report 2018 observed:

‘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. Many daru-ulamans were severely overcrowded, with conditions that did not meet international standards. Some shelters did not offer 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, their movements were severely restricted, or they were pressured to return to their abusers. There were some reports of women exploited in prostitution and sex trafficking in shelters. Some shelter staff reportedly discriminated against the shelter residents, assuming that if a woman fled her home, it was because she was a woman of ill repute.’²⁰¹

8.2.3 The DFAT report noted ‘State-run women’s shelters (darul aman) require a court order to enter and leave, and commonly return women to the original violent setting. While private and NGO-run shelters exist, they are unable to meet demand.’²⁰²

²⁰⁰ Shirkat Gah, ‘Supplementary Information for the Adoption...’, (page 8), 10 June 2019, [url](#).

²⁰¹ USSD, ‘Country Report on Human Rights for 2018’, (pages 39-40), 13 March 2019, [url](#).

²⁰² DFAT, ‘Country Information Report Pakistan’, (para 3.211), 20 February 2019, [url](#).

8.3 Social security

8.3.1 A 2018 report on rural women noted 'A host of different public sector programs offer a range of social protection services'²⁰³, including the Benazir Income Support Program (BISP) '... a national flagship social protection program designed for poor women and their families. It is a targeted unconditional cash transfer program that aimed to smooth out consumption and provide minimum income support to the chronically poor.'²⁰⁴

8.3.2 The report added:

'Social security benefits are only provided to those employed in the formal sector, thus omitting the vast majority of women, and men, employed in the informal sector. The benefits include insurance for age, health, disability, death of breadwinner, unemployment and maternity. Initiatives like the Employees Social Security institutions, the Workers Welfare Fund and the Employees Old age Benefits Institution to provide insurance to workers. Typically, these programs provide benefits in contingencies of sickness, old age, and work-related injury. Rural Women are largely excluded from these interventions as they are not part of the formal economy.

'However, health insurance initiatives like the BISP Waseela-e-Sehat, the health protection initiative KP, the Khidmat card in Punjab, the Pakistan Sehat Card, and the Prime Minister National Health Program (PMNHP) that aims to improve access of the poor to quality medical services, through a micro health insurance scheme. The last also has maternity benefits and four visits to a health care provider during pregnancy.'²⁰⁵

8.3.3 The report provided a list of social protection programmes, what they offered and who they were aimed at. Some programmes were ad hoc and available to only certain categories of women, for example, only Muslim women²⁰⁶.

²⁰³ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 115), 2018, [url](#).

²⁰⁴ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 119), 2018, [url](#).

²⁰⁵ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 116), 2018, [url](#).

²⁰⁶ Zaidi Y., Farooq S. et al, 'Rural Women in Pakistan - Status Report 2018' (page 118), 2018, [url](#).

Annex A

Khan and Piracha correspondence British High Commission, 26 September 2017

KHAN & PIRACHA

ATTORNEYS, SOLICITORS, CORPORATE COUNSEL
NO.1, SECOND FLOOR, 6-B, MARKAZ F-6
ISLAMABAD
TEL: (051) 2875542-2826523-2826933
FAX: (051) 2825196-2829764
E-mail: kp@comsats.net.pk

Mr. Gavin De Costa
Second Secretary Justice and Home Affairs
British High Commission
Diplomatic Enclave,
Islamabad

September 26, 2017

Dear Gavin,

With reference to your email of September 22, 2017, our parawise responses to your queries are as under:

The scenario is that a Pakistan unmarried couple living in the UK have had a child out of wedlock. It is argued that even if they were to now marry, the child would remain illegitimate. Can you confirm this is the case and if so, do you know any other way the child could become legitimate? (Possibly through the man claiming paternity or adoption?)

Under Muslim Personal Law (also known as Mahomedan Law) marriage may be validly entered into without any ceremony, therefore direct proof of marriage is not always available or required. Where direct proof is not available, indirect proof may suffice. Under Muslim Personal Law, in the absence of direct proof, marriage is presumed on the basis of *any of the following facts*:

- (a) prolonged and continual cohabitation as husband and wife; *or*
- (b) acknowledgment by the man of the woman as his wife; *or*
- (c) valid acknowledgment by the man of the paternity of the child born to the woman subject to the condition, inter alia, that the child is acknowledged to be legitimate and is not the offspring of adultery, incest or fornication.

[Principles of Mahomedan Law by Mulla, Sections 268, 344]

No presumption of marriage arises from long cohabitation if the woman was a prostitute when she was brought to the home of the man whose wife she claims to be. But if the man acknowledges his children by her as his legitimate children, marriage with her will be presumed, for marriage with a prostitute is not prohibited, and she could have been his lawful wife, when the children were begotten. It has also been held that clear and reliable evidence that a Mahomedan has acknowledged children as his legitimate issue raises a presumption of a valid marriage between him and the children's mother. (Imambandi vs. Mutasaddi (1918) 45 I.A. 73)

In *Sabih Khan vs. State* [PLD 2000 Federal Shariat Court 63] it was held that registration of Nikah was not necessarily required to prove Nikah as, in Muslim Law Nikah could be performed by offer and acceptance in presence of witnesses. Non-registration of Nikah would only attract a penalty under S.5(4) of the Muslim Family Laws Ordinance, 1961.

In the case entitled *Aftab Ahmed vs. Judge Family Court reported as 2009 MLD 962* it was held by the Lahore High Court that marriage solemnized under Muslim Family Laws Ordinance, 1961, requires registration but Nikah does not become invalid due to its non-registration. If a person does not report marriage to the Nikah Registrar for the purpose of registration, he may be held liable under the penal provisions of S.5 (4) of the Muslim Family Laws Ordinance, 1961 but Nikah will not be invalidated.

In case entitled *Ghazanfar Abbas vs. ADJ Jhang* [2001 YLR 644] it was held that Nikah even if not registered under the law remains valid.

In view of the above, we are of the opinion that unless the father of the child refuses to acknowledge the child as his legitimate child, marriage will be presumed from the day the couple commenced to live together. Hence, given presumption of marriage, such couple will not be required to re-marry in order to confer legitimacy upon the child and can simply opt for late registration subject to risk of prosecution and imposition of the penal provisions of S5 (4) of the Muslim Family Laws Ordinance, 1961. The prescribed penalty is simple imprisonment of upto 3 months or fine of upto PKR 1000 or both. The fine may not even be imposed if marriage is not denied or disproved and the registrar accepts the fact of a private nikah i.e., offer and acceptance in the presence of witnesses having taken place. In fact, to our knowledge penalty under Section 5(4) is rarely imposed.

Please note that if marriage is disproved or denied, leading to an issue of *fornication*, then legitimacy cannot be acknowledged. Please note further, that Pakistan law strictly prohibits sexual relationships outside of marriage and prescribes severe penalties for adultery and fornication both under the Pakistan Penal Code (the “PPC”) and the Offence of Zina Ordinance, 1979 (the “1979 Ordinance”).

Under the 1979 Ordinance, wilful sexual intercourse by a sane adult male or female with a female or male respectively to whom he or she is not married constitutes zina liable to hadd and is punishable in the case of sexual intercourse by a married adult sane male or female with one to whom he or she is not married, with stoning to death in a public place and is punishable under Section 496-B of the PPC with imprisonment of upto 5 years and fine of upto PKR 10,000.

Through amendments made in 2006, the 1979 Ordinance no longer has overriding effect and a punishment under the 1979 Ordinance can only be awarded if there are 4 truthful eye witnesses, which is a near impossibility. To our knowledge, no convictions under this provision of the 1979 Ordinance have taken place to date.

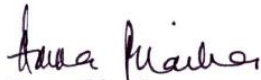
Given the above repercussions, in our opinion it will be advisable for the couple in question to rely on presumption of marriage and opt for late registration.

I've also been asked if the mother is able to get married Islamically even if she cannot describe herself as a Maiden, Widow, or Divorced?

There is no requirement under Muslim law that a woman must be a maiden, widow or divorcee to enter into marriage and every Muslim girl/woman who has attained puberty and is of sound mind may contract a valid marriage if she is not already bound in matrimony with another person. There is a column in the Nikah Nama which requires acknowledgement of one of the above descriptions and does not give another option but there is no test for determining veracity of the statement and the statement is accepted on face value. As is clear from the citation from case entitled *Imbandi vs. Mutasaddi* [1918] 45 I.A. 73] (see above) Muslim law recognizes a marriage with a prostitute. As such, if presumption of marriage according to Islamic law cited above is to be claimed then it could also be claimed that at the time the offer and acceptance was made the bride was a maiden.

If you have any queries in respect of the above, please feel free to contact me.

Yours sincerely,



Amna Piracha
for Khan & Piracha

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Annex B

Khan and Piracha correspondence British High Commission, 20 April 2015

To CPIT, Home Office

20/04/15

In response to queries received, we received the following advice from Khan and Piracha, a consultancy firm based in Islamabad, Pakistan:

Please note that under Section 5 of the Pakistan Citizenship Act, 1951 (the "1951 Act") a person born after 1951 shall be a citizen of Pakistan by descent if his parent (either mother or father or both) is a citizen of Pakistan at the time of his birth.

Under the proviso to Section 5, if the parent of a child born after 1951 is also a citizen only by descent then the person's claim to citizenship is, where such person is born outside of Pakistan, subject to such birth being registered at a Pakistan Consulate of Mission in the foreign country of birth.

The procedure for obtaining citizenship by descent is laid down in the Pakistan Citizenship Rules, 1952 (the "1952 Rules").

As instructed we have reviewed the question of issuance of a CRC or CNIC to an illegitimate child in the light of National Database and Registration Authority Ordinance, 2002 (the "Ordinance") read with the National Database and Registration Authority (National Identity Card) Rules, 2002 (the "Rules") and National Database and Registration Authority (Application for National Identity Card) Regulations, 2002 (the "Regulations") and meetings with National Database and Registration Authority ("NADRA") officials and parawise responses to the queries raised by you are as under:

1. In regards to children I would like to establish whether an illegitimate child can obtain a CRC or CNIC?

Under Section 9(1) of the Ordinance, it is mandatory (a) for the parent or guardian of a child under the age of 18 years to get such child registered in the prescribed form within one month of the birth of the child and (b) for every citizen who attains the age of eighteen years whether inside or outside of Pakistan to get himself registered with NADRA.

The prescribed form for obtaining CRC and CNIC requires the provision of the names of both parents and in the absence of such names the application for CRC will not be entertained.

Although the Ordinance and Rules/Regulations make no provision for registration of children/citizens, the identity of whose father is not known, following a direction by the Supreme Court of Pakistan, NADRA has issued a policy for registration of abandoned and parentless children who are raised by orphanages. Under the Policy,

the head of an orphanage where such child is raised is eligible to become the child's legal guardian by providing an affidavit. This Policy has, to the extent of such cases, replaced the requirement for seeking guardianship certificates under the Guardian and Wards Act, 1890. However, under the Policy the orphanage applying for the registration must be registered with NADRA. In case a child's parentage is unknown, any name deemed fit and recorded by the orphanage in its records is acceptable and can be registered with NADRA. The orphanage can assign any name to the child's parents, as long it is not a generic or placeholder name, such as Adam or Eve.

Given the severe repercussions for the mother of admission of illegitimacy, registration of illegitimate children (except where they are abandoned and under the care of a listed orphanage) is not recognized by NADRA.

2. If a child of Pakistani origin is born in the UK, can a CRC or CNIC be obtained on production of a UK birth certificate?

Registration of birth with the Pakistan Mission in the UK in accordance with Section 5 of the 1951 Act will probably be possible on the basis of a UK birth certificate. However, to obtain CRC and CNIC, applications have to be made on forms prescribed under the 1952 Rules, which forms require details/documentary evidence of details of both parents. For a CRC a birth certificate is valid documentary evidence but issuance of CRC will not only depend on production of the birth certificate as the requisite Form will also have to be filled in.

3. Does the father's name have to be provided and/or a marriage certificate produced upon application?

The father's name has to be provided for making application for obtaining CRC or CNIC. There is no requirement for furnishing a marriage certificate.

Issuance of a CRC is dependent on the production of a birth certificate from the Union Council in whose jurisdiction the baby is born. No other documents are required for a child under the age of ten years. However, in order to obtain the birth certificate, names of both parents will be required and the parents may be called to produce their CNICs.

Issuance of CNIC is dependent on the production of birth certificate or matriculation certificate or CNICs of immediate blood relatives. Father's name is given in birth certificate as also matriculation certificate.

4. Father's name whether original or a dummy name has to be given to NADRA for registration.

Father's actual name or any dummy name has to be given to NADRA for registration as any application form for CRC or CNIC from which either of the parents name is missing will not be entertained by NADRA.

5. In the case where the father is recorded as 'unknown' (it is not a legal obligation to provide the father's name on a UK birth certificate), would such an

application be accepted? Or could a 'dummy' name be provided, even if father's name is not on the birth certificate itself?

Application for CRC/CNIC has to be made on prescribed forms. The forms which are currently available require details of the father and therefore if the birth certificate is silent as to the father's name, some name, real or fictitious would probably have to be provided.

6. If a child cannot obtain an ID card is their access to healthcare, education, employment, etc, restricted?

The requirement for ID card is becoming increasingly vital for gaining access to admission to educational institutions, employment both in the private and governmental sectors and in all practical day to day affairs such as access to travel by air, telephone connections etc. Any access to healthcare in the social welfare/governmental sector will also be dependent of production of ID card. However, so far, production of ID card is not required for obtaining healthcare in the private sector.

7. Are there any statistics on the numbers of charges/convictions under the offence of zina?

According to a news article in the daily Tribune of November 9, 2014 [...], in response to a question on the issue of zina bil jabar (rape) the State Minister for Interior, Baleeghur Rahman provided a year-wise provincial breakup. However, no statistics are available for charges/convictions for simple zina (adultery) nor have we been able to find any legal precedent for a conviction on this charge.

8. If yes, is this information recorded geographically, i.e. in rural or urban areas?
Please see above.

This letter has been compiled by staff of the British High Commission in Islamabad, Pakistan entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author nor any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution
 - Statutory provisions
- Social, economic and political rights and attitudes
 - Cultural context: discrimination and inequality
 - Economic participation
 - Political participation
 - Education
 - Access to health
 - Marriage, divorce and inheritance
 - Love marriage
 - Reproductive rights
 - Single women
 - Freedom of movement
 - LGBT women
- Sexual and gender-based violence
 - Domestic violence
 - Workplace harassment
 - Rape
 - Early and forced marriage
 - 'Honour' crimes
- Adultery and extra-marital relations
 - Legal context
 - Unmarried couples and children outside of marriage
- State treatment and attitudes
 - Implementation and enforcement of legislation
 - Access to, and attitudes of, the justice system and the police
- Assistance available to women

- Support centres and shelters
- Social security

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **11 February 2020**

Changes from last version of this note

Updated country information and assessment.

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