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Pakistan: COI Compilation

April 2024

(Reporting period: January 2022 to March 2024)

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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents. All sources are cited and fully referenced.

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

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List of abbreviations

ACEs	Anti-Corruption Establishments
ACIAs	Anti-Corruption Investigation Agencies
ADR	Alternative dispute resolution
AGP	Auditor General of Pakistan
ATA	Anti-Terrorism Act
BAP	Balochistan Awami Party
BCFD	Billion Cubic Feet per Day
BLA	Balochistan Liberation Army
BNM	Baloch National Movement
BNP-M	Balochistan National Party-Mengal
CJP	Chief Justice of Pakistan
CNIC	Computerised National Identity Card
COIED	Commission of Inquiry on Enforced Disappearances
CrPC	Code of Criminal Procedure
CSOs	Civil Society Organizations
CTD	Counter-Terrorism Department
ECL	Exit Control List
ECP	Election Commission of Pakistan
EGOA	Theft of Electricity Gas & Oil
FATAs	Federally Administered Tribal Areas
FIA	Federal Investigation Agency
FIR	First Information Report
FOSPAH	Federal Ombudsman Secretariat for Protection Against Harassment
FSC	Federal Sharia Court
GBV	Gender-based Violence
GDP	Gross Domestic Product
GPO	General Post Office
HDP	Hazara Democratic Party
IDPs	Internally Displaced People
ICT	Islamabad Capital Territory
IHC	Islamabad High Court
INGOs	International Nongovernmental organizations
IS	Islamic State Group
ISI	Inter-Services Intelligence
ISPR	Inter-Services Public Relations
JI	Jamaat-e-Islami
JIT	Joint Investigation Team
JUI-F	Jamiat Ulema-e-Islam-Fazl
KP	Khyber Pakhtunkhwa
LEAs	Law-enforcement agencies
LeJ	Lashkar-e-Jhangvi
LGBTQI+	Lesbian, Gay, Bisexual, Trans, Queer, Intersex
LHC	Lahore High Court

LNG	Liquified Natural Gas
MoEA	Ministry of Economic Affairs
MORA	Ministry of Religious Affairs and Interfaith Harmony
MPC	Monetary Policy Committee
MQM-P	Muttahida Qaumi Movement-Pakistan
NAB	National Accountability Bureau
NACTA	National Counter Terrorism Authority
NADRA	National Database and Registration Authority
NCPS	National Corruption Perception Survey
NGOs	Nongovernmental organizations
NIC	National Identity Card
NOCs	No-objection certificates
NPOs	Non-profit organizations
PAA	Pakistan Army Act
PACs	Public Accounts Committees
PDM	Pakistan Democratic Movement
PECA	Prevention of Electronic Crimes Act 2016
PEMRA	Pakistan Electronic Media Regulatory Authority
PML-N	Pakistan Muslim League Nawaz
PNIL	Provisional National Identification List
PPC	Pakistan Penal Code
PPP	Pakistan People's Party
PPR	Pakistan Prison Rules
PPRA	Public Procurement Regulatory Authority
PTA	Pakistan Telecommunication Authority
PTI	Pakistan Tehreek-e-Insaf
PTM	Pashtun Tahafuz Movement (Pashtun Protection Movement)
PTV	Pakistan Television Corporation
RTI	Right to Information
SDGs	Sustainable Development Goals
SHO	Station House Officer
SIC	Sunni Ittehad Council
SIU	Special Investigation Unit
SOGIESC	Sexual Orientation, Gender Identity, Expression and Sex Characteristics
SOP	Standing Order Procedure
SSP	Senior Superintendent of Police
TLP	Tehreek-i-Labbaik Pakistan
TTP	Tehreek-e-Taliban-e-Pakistan
UPR	UN Universal Periodic Review

1 Background

Pakistan is a South Asian country and shares international borders with Afghanistan (2,670 km), China (438 km), India (3,190 km) and Iran (959 km). It also has a coastline of 1,046 kilometres. Pakistan's capital is Islamabad. The country's territory extends over a total of 796,095 square kilometres, including land and water (CIA, last updated 9 April 2024).

The country encompasses a diverse range of landscapes, with the Pamir mountains and the Karakoram Range in the northwest. The terrain includes mountain ranges, valleys, and plateaus, eventually descending to the flat expanse of the fertile Indus River plain. This plain extends southward, draining into the Arabian Sea. Pakistan also contains a portion of the historic Silk Road and is home to the renowned Khyber Pass, a crucial passage that has historically facilitated the influx of external influences into the otherwise secluded subcontinent (Encyclopaedia Britannica, last updated 14 April 2024, Introduction and Quick Facts).

Pakistan experiences a predominantly hot and dry desert climate, with temperate conditions prevailing in the northwest and an arctic climate in the northern regions (CIA, last updated 9 April 2024). Located on the periphery of a monsoonal system characterized by wet and dry seasons, the country experiences erratic and highly variable precipitation throughout the country. The rainy monsoon winds, with shifting boundaries from year to year, bring intermittent bursts of rainfall, primarily occurring during the summer. Coastal areas receive precipitation from tropical storms originating in the Arabian Sea, but the nature of these storms varies (Encyclopaedia Britannica, last updated 14 April 2024, Land).

Emerging from the partition of the Indian subcontinent in 1947, the Muslim-majority state Pakistan has encountered internal political turbulence and regional conflicts. Established to address the aspirations of Indian Muslims for a separate homeland, Pakistan initially comprised two parts. The separation occurred in 1971 when the Bengali-speaking east wing, with assistance from India, seceded to form the independent state of Bangladesh (BBC, 21 March 2023). For more than six decades, the Himalayan region of Kashmir has been a contentious issue between India and Pakistan. The neighbours, both nuclear powers, have engaged in two wars over this Muslim-majority territory. Both nations assert full claims to Kashmir, yet exercise only partial control over it. Presently, Kashmir stands as one of the most heavily militarized zones globally. Additionally, certain parts of the territory are administered by China (BBC, 21 March 2023).

Pakistan is divided into four provinces (Balochistan, Khyber Pakhtunkhwa, Punjab, Sindh), two Pakistan-administered areas (Azad Kashmir, Gilgit-Baltistan) and one capital territory (Islamabad Capital Territory) (CIA, last updated 9 April 2024). Divisions, districts, and subdistricts (tehsils, or tahsils) form the administrative subdivisions of the four provinces (Encyclopaedia Britannica, last updated 14 April 2024, Government and Society). Concerning the two Pakistan-administered areas, Azad Kashmir (also known as Azad Jammu and Kashmir) is regarded by Pakistan as an independent state with its capital in Muzaffarabad. The remaining part of Pakistan-administered Kashmir includes Gilgit and Baltistan, collectively referred to as Gilgit-Baltistan since 2009 (Encyclopaedia Britannica, last updated 14 April 2024, Land; see also The Diplomat, 1 February 2024).

1.1 Map of Pakistan

The following political map was published by the Government of Pakistan in 2020:

Source: [Government of Pakistan, 2020]

An older map published by the UN Cartographic Section in January 2004 provides further geographic details:

Source: [United Nations, January 2004]

1.2 Demographics

The total population of Pakistan is 241.49 million, according to the results of the 7th Population and Housing Census, conducted in 2023. 61.18 percent of the population live in rural areas, while 38.82 percent live in urban areas. The population growth rate has been 2.55 percent since the last census data in 2017. Regarding the population figures in the country's provinces, the Pakistan Bureau of Statistics (PBS) notes that Punjab has a population of 127.68 million, followed by Sindh (55.69 million), Khyber Pakhtunkhwa (40.85 million), and Balochistan (14.89 milion). The Islamabad Capital Territory has a population of 2.36 million as of 2023 (PBS, 5 August 2023, pp. 1-2; see also Gallup Pakistan, 20 October 2023), while the Pakistan-administered area of Azad Kashmir is estimated at around 4.2 million as of 2019 (Azad Government of the State of Jammu & Kashmir, undated, p. 3), and the population of Gilgit-Baltistan at approximately 1.5 million (Government of Gilgit Baltistan, undated).

On the other hand, the CIA World Factbook estimates Pakistan's population at approximately 247.65 million people in 2023 (CIA, last updated 9 April 2024). Regarding the population size of urban areas, as of 2023, the CIA World Factbook provides the following estimates. Karachi: 17.236 million inhabitants, Lahore: 13.979 million, Faisalabad: 3.711 million, Gujranwala: 2.415 million, Peshawar: 2.412 million, and Islamabad: 1.232 million (CIA, last updated 9 April 2024). Concerning the country's ethnic composition, the CIA World Factbook notes that 44.7 percent of the population are Punjabi, 15.4 percent Pashtun, 14.1 percent Sindhi, 8.4 percent Saraiki, 7.6 percent Muhajirs, and 3.6 percent Balochi, while 6.3 percent of the population belong to other ethnic groups (CIA, last updated 9 April 2024). Languages spoken in Pakistan include Punjabi (38.8 percent), Pashto (18.2 percent), Sindhi (14.6 percent), the Punjabi variant Saraiki (12.2 percent), Urdu (7.1 percent), Balochi (3 percent), Hindko (2.4 percent), and Brahui (1.2 percent). 2.4 percent of the population speak other languages (CIA, last updated 9 April 2024). The outcomes of the 2017[1] national census show that 96 percent of the population are Muslims (PBS, 12 April 2021, p. 78; USDOS, 15 May 2023, section I). According to the USDOS's annual report on religious freedom, estimates regarding the percentage of Sunni and Shia Muslims, respectively, vary among sources. Sunnis are generally considered to constitute 80 to 85 percent of the Muslim population, while Shia Muslims, encompassing ethnic Hazara, Ismaili, and Bohra (a branch of Ismaili) groups, are believed to make up approximately 15 to 20 percent (USDOS, 15 May 2023, section I). Sufism, "the esoteric dimension of the Islamic faith and constituting the spiritual path to mystical union with God" (OED, undated), is influential among the Pakistani Sunnis (Encyclopaedia Britannica, last updated 14 April 2024, People). Sunni Islam in Pakistan primarily consists of two popular reform movements: the Deoband and the Barelvi[2]

[1] As of February 2024, the available data from the 2023 census does not provide information on the religious composition of the population.

[2] The International Crisis Group writes in a September 2022 report that Barelvis are a "Sunni sub-sect, believed to be Pakistan's largest" and that "the Barelvi school strives to preserve and promote an Islam of hereditary saints and its shrine culture". The source continues that "[t]oday, Barelvi political identity is shaped by two issues: protection of the Prophet's honour and hence opposition to any reform of the blasphemy laws; and rejection of the Ahmadi sect's claim to a Muslim identity" (International Crisis Group, 5 September 2022, p. 26). For information on sectarian violence involving the Barelvis, please refer to chapter IV of the same report:

schools, whose members are often involved in violent conflict (MRG, last updated June 2019; see also Encyclopaedia Britannica, last updated 14 April 2024, People).

Around four percent of the country's total population, based on government statistics, identify as Ahmadi Muslims, Hindus, Christians (including Roman Catholics, Anglicans, and Protestants, among others), Parsis (Zoroastrians), Baha'is, Sikhs, Buddhists, Kalash, Kihals, and Jains (see also TNH, 17 October 2013 and Shah, 16 February 2022). Unofficial figures regarding the size of minority religious groups differ significantly. Representatives of religious communities estimate that groups not aligning with Sunni, Shia, or Ahmadi Muslim identities constitute 3 to 5 percent of the population (USDOS, 15 May 2023, section I).

- International Crisis Group: A New Era of Sectarian Violence in Pakistan, 5 September 2022 https://www.crisisgroup.org/sites/default/files/2022-09/327%20Pakistan%20-%20Sectarian%20Violence%20-%20Print.pdf

1.3 Political system

Executive Branch

The Pakistan Tehreek-e-Insaf (PTI) government, which assumed office in 2018, was ousted in April 2022 through a parliamentary no-confidence vote (see also section 2.1). This motion was initiated by the Pakistan Democratic Movement (PDM), a coalition comprising political parties[3] such as the Pakistan Muslim League Nawaz (PML-N), the Pakistan People's Party (PPP), and the Jamiat Ulema-e-Islam-Fazl (Bertelsmann Stiftung, 19 March 2024, p. 3). Following elections in February 2024, the PPP and PML-N announced their formal accord to establish a coalition government (Reuters, 21 February 2024). On 4 March 2024, Shehbaz Sharif was sworn in as prime minister (Al Jazeera, 14 March 2024). The chief of state, President Asif Ali Zardari, has been in office since 10 March 2024 (CIA, last updated 9 April 2024).
The National Assembly elects the prime minister, and there is universal adult suffrage (Encyclopaedia Britannica, last updated 14 April 2024, Government and Society). The president appoints the cabinet based on the advice of the prime minister. The president is elected in an indirect process, with the Electoral College - comprising members of the Senate, National Assembly, and provincial assemblies - electing the president for a 5-year term (limited to 2 consecutive terms) (CIA, last updated 9 April 2024).

Legislative Branch

The bicameral Parliament or Majlis-e-Shoora consists of the Senate and the National Assembly (CIA, last updated 9 April 2024).
To become law, both houses have to approve a bill and it has to obtain the president's assent. If a bill sent to the National Assembly is not passed within 90 days, or if a bill with amendments is not approved by it, it can be considered in a joint sitting upon request, where it can pass with a simple majority. The president must provide assent within 10 days (Senate of Pakistan, undated).
Senatorial elections are conducted in accordance with the provisions outlined in Article 59 of the Constitution (Senate of Pakistan, undated; see also Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 59).
The Senate, with 100 seats, has members indirectly elected by the four provincial assemblies and the federal capital territory.[4] Members serve six-year terms, with half of the membership

[3] The following article contains information on the major political parties competing in the February 2024 election: Al Jazeera: Pakistan election 2024: Which are the major political parties?, 3 February 2024, https://www.aljazeera.com/news/2024/2/3/pakistan-elections-2024-here-are-the-major-political-parties; A list of political parties enlisted with the Election Commission of Pakistan can be found under the following link: ECP - Election Commission of Pakistan: List of Enlisted Political Parties, 1 February 2024, https://ecp.gov.pk/storage/files/2/PF%20wing/(166%20)%20Enlisted%20Political%20Parties%20with%20ECP%201-2-2024.pdf

[4] See also Al Jazeera: Pakistan election 2024: How the voting works, 7 February 2024, https://www.aljazeera.com/news/2024/2/7/pakistan-elections-2024-how-the-voting-works; CPDI - Centre for

renewed every three years. Four seats represent the formerly Federally Administered Tribal Areas (FATAs). With the integration of FATAs into the province of Khyber Pakhtunkhwa, the reserved seats for those areas are scheduled to be eliminated in 2024 (Freedom House, 2023, section A2). The National Assembly, with 342 seats, includes 272 members directly elected in single-seat constituencies with a simple majority and 70 members directly elected by proportional representation vote, including 60 women and ten non-Muslims. All members serve five-year terms (CIA, last updated 9 April 2024).

Judicial Branch

The Constitution establishes a clear separation "between the judiciary and the executive branches of government" (Encyclopaedia Britannica, last updated 14 April 2024, Government and society; see also Constitution of the Islamic Republic of Pakistan, as modified up to 31 May 2018, Articles 175).

The highest court in Pakistan is the Supreme Court, consisting of the chief justice and 16 judges. Justices are nominated by an eight-member parliamentary committee upon the recommendation of the Judicial Commission, a nine-member body of judges and other judicial professionals, and are appointed by the president. Justices can serve until the age of 65. Subordinate courts in the judicial system include High Courts, and provincial and district civil and criminal courts. Specialized courts address specific issues such as taxation, banking, and customs (CIA, last updated 9 April 2024). The legal system also incorporates a religious aspect, aiming to align with Islamic principles and values to ensure affordable and accessible legal remedies for all individuals. A comprehensive set of Islamic laws was implemented, and in the 1980s, the Federal Shariat Court, specializing in Islamic law (Sharia), was established. The main objective of this court is to assess the compatibility of laws enacted by parliament with Islamic principles. The Sharia system functions alongside the predominantly secular Anglo-Saxon legal system and tradition (Encyclopaedia Britannica, last updated 14 April 2024, Introduction and Quick Facts). In its 2024 country report covering the period February 2021 to January 2023 the German non-profit think tank Bertelsmann Stiftung notes that in the past years "Pakistan's courts have played a more activist role in Pakistan's politics, using the power of judicial review to overturn legislation passed by parliament and to intervene in affairs traditionally seen as the domain of the executive" (Bertelsmann Stiftung, 19 March 2024, p. 12).

Likewise, a December 2023 report by German Friedrich-Ebert-Stiftung (FES) points to a "judicialization of politics":

> "The judicialization of politics has become a notable trend, with courts playing an increasingly pivotal role in public policy and settling complex political disputes. This judicial intervention ranges from reviewing legislative decisions to redefining constitutional principles, often leading to significant legal and political ramifications. Pakistan's history is

Peace and Development Initiatives: Pakvoter, Provincial Assemblies, undated, https://pakvoter.org/provincial-assemblies/

> replete with instances where courts have influenced major political shifts, from government dismissals to legitimizing military coups." (FES, December 2023, p. ix)

Please also see section 12.2 for further information on independence of the judiciary.

Security forces

Various local and provincial police departments, along with paramilitary forces contribute to internal security. Some paramilitary units, including the Khyber Rifles, are officially affiliated with the army but frequently participate in security operations, such as counterterrorism efforts (Encyclopaedia Britannica, last updated 14 April 2024, Government and Society). Within the Ministry of Interior, entities such as the Frontier Corps and the Pakistan Rangers play significant roles. The Frontier Corps is a paramilitary force primarily composed by individuals from tribal areas and commanded by officers from the Pakistan Army. Its primary mission is securing the border with Afghanistan. While under the Ministry of Interior, the Frontier Corps reports to the Army during times of conflict. The Pakistan Rangers are a paramilitary force operating in Sindh (see also Dawn, 26 January 2024) and Punjab (CIA, last updated 9 April 2024). The Inter-Service Intelligence (ISI) directorate, the country's foremost intelligence collection entity, has consistently wielded significant influence over government policy (Encyclopaedia Britannica, last updated 14 April 2024, Government and Society).
Since its establishment, Pakistan's military has been led by a well-trained and professional officer corps "that has not hesitated, as a body, to involve itself in politics". The military includes an army, air force, navy, and various paramilitary forces. Each service is led by a chief of staff, with the chairman of the Joint Chiefs of Staff serving as the senior officer in the military hierarchy. Renowned as one of the world's largest and best-trained forces, the Pakistani military relies on voluntary service, with ample supply of manpower (Encyclopaedia Britannica, last updated 14 April 2024, Government and Society). As of 2020, the armed forces personnel are reported to be at 943,000 persons (The World Bank, undated).

Please see section 2.2 for further information on the role of the military in Pakistan's political system.

2 Political situation

2.1 Ouster of former Prime Minister Imran Khan

On 10 April 2022, Prime Minister Imran Khan was removed from office when he lost a no-confidence vote in parliament. Khan, a former cricket star, had taken power as prime minister in 2018 following his Pakistan Tehreek-e-Insaf (PTI) (Pakistan Movement of Justice) party's victory in the general elections (BBC, 10 April 2022; Encyclopaedia Britannica, last updated 1 April 2024). A first no confidence motion brought by the opposition – the Pakistan Muslim League (PML-N) under former Prime Minister Nawaz Sharif and the Pakistan Peoples Party (PPP) under Bilawal Bhutto Zardari, as well as some smaller parties - at the beginning of March 2022 had failed to gain sufficient votes. However, as the International Crisis Group notes in an article of April 2022, the prime minister had two "political vulnerabilities" that allowed the opposition to gain more support: Firstly, tensions within his PTI party over reports that several members, who had joined the PTI after defecting from other parties, planned to leave the PTI and side with the opposition, and, secondly, growing public anger over "soaring inflation and governance failures" (International Crisis Group, 13 April 2022; see also Euronews, 10 April 2022; VOA, 17 October 2022).

According to the BBC, there had been several attempts by the PTI and the prime minister to prevent the no-confidence vote, including by claiming that there was a "US-led conspiracy" to remove the prime minister from office and that the opposition worked together with foreign powers (BBC, 10 April 2022). Khan based his claim on a diplomatic cable that had been sent by the then Pakistani ambassador to the USA reporting on a meeting with a US diplomat who had been critical of Khan's visit to Russia on the day it launched its invasion of Ukraine, among other issues (International Crisis Group, 13 April 2022). Moreover, the PTI blocked voting on the motion and subsequently dissolved the parliament and called for early elections (BBC, 10 April 2022). The vote eventually took place after the Supreme Court ruled that these steps were unconstitutional and set 9 April 2022 as the date for voting. On that day, voting was delayed until shortly before midnight. When voting eventually took place, 174 of the 342-member National Assembly, the lower house of the parliament, voted in favour of the no-confidence motion, thus removing Prime Minister Khan from office (International Crisis Group, 13 April 2022). Sources note that the vote passed after coalition partners (including the Muttahida Qaumi Movement-Pakistan (MQM-P) and the Balochistan-based Balochistan Awami Party (BAP) (International Crisis Group, 13 April 2022)) sided with the opposition (International Crisis Group, 13 April 2022; Reuters, 10 April 2022; Euronews, 10 April 2022).

Moreover, several sources point to allegations that Khan had come to power with the support of the country's military (International Crisis Group, 13 April 2022; BBC, 10 April 2022; Reuters, 10 April 2022; Euronews, 10 April 2022) and intelligence services (BBC, 10 April 2022), but that he had meanwhile lost that support (BBC, 10 April 2022; Reuters, 10 April 2022, Euronews, 10 April 2022). Sources also note that the military held important positions in Khan's government (International Crisis Group, 13 April 2022; The Guardian, 14 May 2023; see also The Intercept, 31 May 2023). For further information, see also section 2.2.

The relationship later deteriorated due to Khan's initial reluctance to approve the military's candidate, Lieutenant General Nadeem Anjum, as head of the Inter-Services Intelligence (ISI) agency, due to Khan's pronounced anti-Western attitude and his accusations of a US-led plot against his government (International Crisis Group, 13 April 2022) and because of the army

chief Qamar Javed Bajwa's statement shortly before the no-confidence vote in April 2022 that the military would not take sides in the PTI's conflict with the opposition (International Crisis Group, 10 November 2022).

In May 2023, Imran Kahn, then in opposition and calling for early elections, was briefly arrested in connection with a corruption case (The Guardian, 14 May 2023). The arrest was met with violent protests by many of his supporters and clashes with the police. Thousands of members of Khan's PTI party were arrested following the protests, and many charged under "vague and overbroad laws" or, in certain cases, tried in military courts, according to Human Rights Watch (HRW) (HRW, 11 January 2024). He was arrested a second time in August 2023 after a court in Islamabad found him guilty of corruption and sentenced him to three years in prison. Moreover, he was barred from public office for five years While the conviction was later suspended, Khan remained in prison as more than hundred other cases had been brought against him since he was voted out of office in April 2022 (RFE/RL, 29 August 2023).

2.2 Role of the military in Pakistan's political system

Salman Rafi Sheikh, assistant professor of politics at Lahore University of Management Sciences, explains in an interview with Himal Southasian, an online regional magazine of politics and culture, that the military had been involved in Pakistani politics since 1948. He describes that under colonial rule, military forces had been established mainly to ensure internal security. After the Indian and Pakistan states' independence in 1947, the main political movement in Pakistan of that time, the Muslim League, had been "too weak" to take over this task, therefore giving the military the opportunity to "take politics into its own hands" (Himal Southasian, 15 February 2023). In an article of January 2023, Sheikh notes that the material basis of the military's power is its control over a "multibillion-dollar industrial empire" and that its dominant position allows it "to shape national policies without the participation of the civil administration". Sheikh proposes several reforms in order to end the military's influence on politics and its "ability to operate autonomously, as a state within a state", including bringing the military's business empire under state/civilian control, reducing military spending and making the military more inclusive by increasing the share of representatives of ethnic minorities in the army (Himal Southasian, 30 January 2023).

In the context of Prime Minister Imran Khan's ouster from office and later arrest, the Guardian points to the military's role in the country's political life:

> "Many in Pakistan had felt Khan's arrest was the inevitable conclusion to his attempts to go up against Pakistan's all-powerful military establishment, who have had a grip on Pakistani politics for decades. All previous prime ministers who have tried to take on the military have ended up in prison." (The Guardian, 5 August 2023)

In another article of May 2023, the Guardian notes that in Pakistani politics, "the army has long been seen as the country's kingmaker and exerts enormous power" (The Guardian, 14 May 2023). The BBC, in an article of October 2023, refers to the military as "a powerful behind-the-scenes player in Pakistan" and notes that the "army plays a prominent role in Pakistan's politics, sometimes seizing power in military coups and, on other occasions, pulling levers behind the scenes" (BBC, 24 October 2023). Reuters explains in an article of December 2023 that opponents of Khan say he achieved his 2018 victory "with the help of the military, which often

plays an outsized role in making and breaking Pakistan governments" (Reuters, 15 December 2023).

RFE/RL notes that for almost half of its 75-year history, Pakistan has been under direct rule by the military, which has "dominated weak civilian governments during democratic periods, which typically ended with military coups" (RFE/RL, 29 August 2023). The German Friedrich Ebert Foundation (Friedrich Ebert Stiftung, FES) explains that the military retained its influence even under democratic governments:

> "Pakistan has existed far longer as a military rule than an electoral democracy. The military has held a significant share of power over state institutions, policies and resources even in democratic times, a condition labelled by Mohammad Waseem as an 'establishmentarian democracy'. A recent analysis of the 4th round of the World Values Survey found that acceptability for military rule in Pakistan was more or less equal to support for democratic government among citizens." (FES, December 2023, p. 4)

In an article for Foreign Policy (FP), Husain Haqqani, a former ambassador of Pakistan to the USA, similarly mentions the military's influence on the country's politics but also points to the role of the Supreme Court in this context, which he describes as often supporting the military's actions:

> "Prime ministers from both the PML [Pakistan Muslim League] and PPP [Pakistan People Party] have been ousted from office multiple times by the Pakistani military, which routinely influences Pakistan's superior judiciary. Supreme Court judges then often provide legal cover for otherwise undemocratic and unconstitutional actions initiated by generals. The Supreme Court endorsed Pakistan's four military coups in 1958, 1969, 1977, and 1999, as well as accepted the generals' right to suspend the constitution under its so-called doctrine of necessity. On other occasions, the military orchestrated palace coups in 1990, 1993, and 1996, resulting in dismissal of elected prime ministers by the president and with the support of the Supreme Court. In 2012 and 2017, prime ministers were removed from office at the behest of the military through direct intervention by the Supreme Court. Together, the Pakistani military and judiciary have never allowed a PML or PPP prime minister to stay in office for the full five-year term of parliament." (FP, 20 October 2022; see also section 1.3)

According to the Pakistan Centre for Strategic and Contemporary Research (CSCR), Pakistan was an example of how the army as an apolitical institution was drawn into politics "because of the deficiencies in political institutions", among other reasons. In an article of August 2022, CSCR explains that the army, while apolitical, is interested in the country's economic stability for internal security reasons and therefore gets involved in politics when it deems it necessary to ensure such economic stability. Apart from that, the "Army does not seem interested in being saddled with the additional obligation of direct rule", according to the CSCR (CSCR, 5 August 2022).

2.3 Delayed general elections

The last general elections in Pakistan did take place on 25 July 2018, when members of the National Assembly and the four provincial assemblies (Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh) were elected for a five-year term (EU EOM, 26 October 2018, p. 9). The next general elections were to be held in October 2023 (BBC, 10 April 2022).

In October 2022, the Election Commission of Pakistan (ECP) disqualified Khan from holding public office following his conviction on corruption charges, noting that with this decision he will lose his seat in the National Assembly. Legal experts reportedly interpreted the decision as Khan being disqualified until the end of the National Assembly term that had started in 2018 (BBC, 21 October 2022). In January 2023, the PTI dissolved its provincial governments in Punjab and Khyber Pakhtunkhwa, in an attempt to push the national government to hold early general elections instead of merely new provincial elections, according to Reuters. PTI's leader, Imran Khan, had been calling for early elections since he was voted out of office in a no confidence vote in parliament in April 2022 (Reuters, 18 January 2023). In August 2023, Prime Minister Shehbaz Sharif's government, just a few days before the end of its term in office, approved the results of the 2023 census. Subsequently, the ECP, constitutionally required to re-draw electoral boundaries based on the new census data (Arab News, 5 August 2023), announced that elections - which by law would have to take place within 60 days after dissolution of the parliament (Arab News, 5 August 2023) - would have to be postponed (BBC, 10 August 2023; USIP, 10 August 2023; The Express Tribune, 5 November 2023), possibly also for political considerations, as two sources quoted by The Express Tribune note (The Express Tribune, 5 November 2023). Eventually, the ECP set 8 February 2024 as the date for general elections (Dawn, 26 January 2024).

According to the BBC, there has been a crackdown on PTI supporters and party members since the violent May 2023 protests, when Imran Khan was briefly arrested. Several party workers and members have been arrested or are facing court cases (BBC, 8 August 2023).

The Human Rights Commission of Pakistan (HRCP) similarly points to the "forcible disappearance and re-emergence" of four former political leaders (HRCP, October 2023, p. 1), including three PTI leaders and one PTI ally, who after days or weeks of disappearance, reappeared and publicly distanced themselves from the PTI or announced their withdrawal from political life (HRCP, October 2023, p. 1-2). Other issues mentioned by the HRCP include, among others, the appointment of military offices to positions in civilian institutions, hindrances to electoral campaigning of PTI, but also PPP, and continued arrests of PTI workers (HRCP, October 2023, pp. 3-6). In a statement on 1 January 2024, the chairperson of the HRCP expresses concern over human rights violations in the context of the upcoming elections (HRCP, 1 January 2024).

In August 2023, following his conviction for corruption, the ECP disqualified Imran Khan for five years and denotified him as returned candidate from the constituency NA-45 Kurram-I (HRCP, September 2023, p. 5), where he had won the September 2022 bye-elections (Business Recorder, 31 October 2022). In January 2024, the Supreme Court confirmed an earlier decision by the ECP to prohibit PTI to use its party symbol, the cricket bat, in the upcoming general elections due to alleged irregularities in intra-party elections (VOA, 14 January 2024), thus forcing PTI candidates to run as independent candidates using individual symbols. PTI party officials have reportedly claimed that due to the high illiteracy rate in parts of the country, many voters will not be able to identify PTI candidates without the party symbol. Moreover, Deutsche

Welle (DW) quotes two sources pointing to the lack of media coverage of the PTI (DW, 16 January 2024). Journalists have reportedly received instructions not to mention PTI ahead of the elections (The Guardian, 30 January 2024) and not to identify PTI candidates as such (Al Jazeera, 25 January 2024).

On 30 January 2024, Imran Khan was sentenced to 10 years in jail on charges of leaking state secrets, referring to the diplomatic cable he had quoted as an alleged proof of a US-led conspiracy against him in the context of his ouster from office in 2022. According to the Guardian, the trial was held in prison (instead of a courtroom) and was held behind closed doors, with "both the prosecution and defence teams" being "government-appointed lawyers" and Khan's lawyers reportedly not allowed to speak (The Guardian, 30 January 2024). The following day, Khan and his wife were sentenced to 14 years in prison on charges of illegally profiting from state gifts received during his term in office (BBC, 31 January 2024). In April 2024, a court accepted Imran Khan's appeal to the sentence and suspended the sentence until a final decision will be taken; due to several other sentences, however, the former prime minister remains imprisoned (Reuters, 1 April 2024).

Independent candidates of the PTI eventually obtained 93 seats in the general elections on 8 February 2024. PML-N came in second with 75 seats, and PPP third with 54 seats. PML-N, together with one lawmaker who had been elected to parliament as a PTI-backed candidate but then joined PML-N, and PPP formed a coalition government. Al Jazeera explains that 89 of the remaining 92 PTI-supported lawmakers joined a small religious party, the Sunni Ittehad Council (SIC) to claim their share of reserved seats (Al Jazeera, 29 February 2024), which are distributed according to a party's performance in the elections. In March 2024, however, the Electoral Commission decided against allocating SIC the reserved seats, saying the party had failed to submit a party list with their nominations for the reserved seats. On 3 March 2024, Shehbaz Sharif of PML-N was elected prime minister (Al Jazeera, 7 March 2024).

3 Security situation

According to various sources, the security situation in Pakistan has steadily deteriorated in recent years (PIPS, January 2024, p. 15; CRSS, 31 December 2023, p. 4; BAMF, December 2023, p. 8; GIS, 19 July 2023; Jamestown Foundation, 20 January 2023). The "continued escalation of violence" that begun in 2021 (CRSS, 31 December 2023, p. 4) brought an increase in the number of terrorist attacks (Kugelman, 26 March 2024; PIPS, January 2024, p. 15) and resulting casualties for the third consecutive year (PIPS, January 2024, p. 15). After years of decline in terrorism-related incidents (Kugelman, 26 March 2024) and violence-related fatalities (CRSS, 31 December 2023, p. 4), attacks perpetrated by the Islamic extremist Tehreek-e-Taliban Pakistan (TTP or so-called Pakistani Taliban) (Jamestown Foundation, 20 January 2023, GIS, 19 July 2023) and Baluch ethno-separatist groups increased (Jamestown Foundation, 10 February 2022). (For more information on attacks by various militant groups, see section 3.1.)

In addition to attacks by militant groups, political rifts following the arrest of former Prime Minister Imran Khan reportedly had a negative impact on the security situation in the country as well (GIS, 19 July 2023, see also Crisis24, last updated 11 May 2023). In May 2023, Crisis24 reported that "[c]ivil unrest remains a concern […] for the medium term amid an economic crisis and political uncertainty" for the country which was described as having "an extremely active culture of political protest, which sometimes leads to violent incidents" (Crisis24, last updated 11 May 2023). (Further information on major incidents of protests and civil unrest can be found in section 3.2; for more detailed information on the political situation, please see section 2)

According to Pakistan expert Michael Kugelman, the rise in terrorist attacks can be linked to the return of the Afghan Taliban to power in Afghanistan in 2021, as the main group carrying out attacks in Pakistan, the TTP, "has a strong base in Afghanistan [and] is closely allied with the Taliban in Afghanistan" (Kugelman, 26 March 2024). In a December 2023 Dawn article, journalist Arifa Noor analyses that the Pakistani administration linked its 2023 policy shifts towards Afghan migrants to the deteriorating security situation in the country, noting that a temporary drop in attacks coincided, but that this trend did not continue, with attacks increasing again by November 2023 (Noor, Arifa, 5 December 2023). According to a March 2024 commentary by policy analyst Durdana Najam, Pakistan's requests to the Afghan Taliban de-facto government to control groups using Afghanistan as a base for launching attacks on Pakistan have been largely ignored, worsening relations between the two countries and turning the Afghan-Pakistan border into a conflict zone (Najam, Durdana, 28 March 2024; see also Kugelman, 26 March 2024; RFE/RL, 18 March 2024; Bertelsmann Stiftung, 19 March 2024, p. 40). Already in May 2023, Pakistan-Afghanistan relations were described as tense; in addition to border skirmishes with India, which were cited as "common along parts of the border" (Crisis24, last updated 11 May 2023).

The following paragraphs present figures on security-related incidents and resulting casualties. These figures are based on data compiled by the Pak Institute for Peace Studies (PIPS), the Pakistan Institute for Conflict and Security Studies (PICCS), the Centre for Research and Security Studies (CRSS) and the Armed Conflict Location & Event Data Project (ACLED). Please note that these figures cannot be considered in direct relation to each other as they are based on

different methodologies. However, all four sources agree that security-related incidents and resulting casualties have significantly increased when comparing 2022 with 2023:

In 2022, PIPS recorded 262 "terrorist attacks" perpetrated by various "nationalist insurgent, religiously inspired militant and violent sectarian groups", resulting in 419 deaths (of which 152 were reported to be civilians) and 734 individuals injured (of which 498 were reported to be civilians) (PIPS, January 2023, p. 12). With 306 terrorist attacks resulting in 693 deaths (260 civilians) and 1,124 individuals (559 civilians) injured, 2023 saw a 17 percent increase in attacks and a 65 percent increase in resulting deaths, according to PIPS data (PIPS, January 2024, p. 15).

CRSS recorded 512 "incidents of terror" with 980 fatalities and 750 individuals injured in 2022 (CRSS, February 2023, p. 4) and 789 such incidents (+ 54 percent) with 1,533 fatalities (+ 56 percent) and 1,462 individuals injured (+ 95 percent) in 2023 (CRSS, 31 December 2023, p. 4).

PICSS documented 380 "militant attacks" resulting in 539 fatalities and 836 individuals injured in 2022 and 645 such attacks (+ 70 percent) with 976 fatalities (+ 81 percent) and 1,354 individuals injured (+ 62 percent) in 2023 (PICSS, 1 January 2024).

For the period between 1 January 2022 and 22 March 2024, ACLED[5] reports 2,675 security-related incidents coded as battles, explosions/remote violence and violence against civilians[6] in Pakistan (for 2022, 947 incidents; for 2023, 1,286 incidents (+ 36 percent)); for January – 21 March 2024, 442 incidents). Compared to the recorded numbers of battles, explosions/remote violence and violence against civilians in 2020 (475 incidents) and 2021 (721 incidents), ACLED data indicates a continuous increase in the number of these incidents (ACLED, as of 29 March 2024).

Of the 2,675 security-related incidents coded as battles, explosions/remote violence and violence against civilians, 847 incidents or 32 percent are coded as incidents with "civilian targeting", i.e. incidents where civilians are reported to be the main or only target. For the period between 1 January and 22 March 2024 alone, ACLED has already documented 156 incidents with civilian targeting, while, e.g., for the whole of 2020 a total of 142 such incidents were recorded (ACLED, as of 29 March 2024). Figure 1 below depicts the evolution of security-related incidents coded as battles, explosions/remote violence and violence against civilians per quarter as recorded by ACLED for the period between January 2022 and 22 March 2024.

[5] For detailed information on ACLED's methodology, please see their Codebook (ACLED, 2023).

[6] ACLED codes security-related incidents as follows: battles, explosions/remote violence, violence against civilians, riots, protests and strategic developments (ACLED, 2023, p. 10). Please note, that for the purpose of this chapter, only the event types of battles, explosions/remote violence and violence against civilians were included in the quantitative analysis and charts.

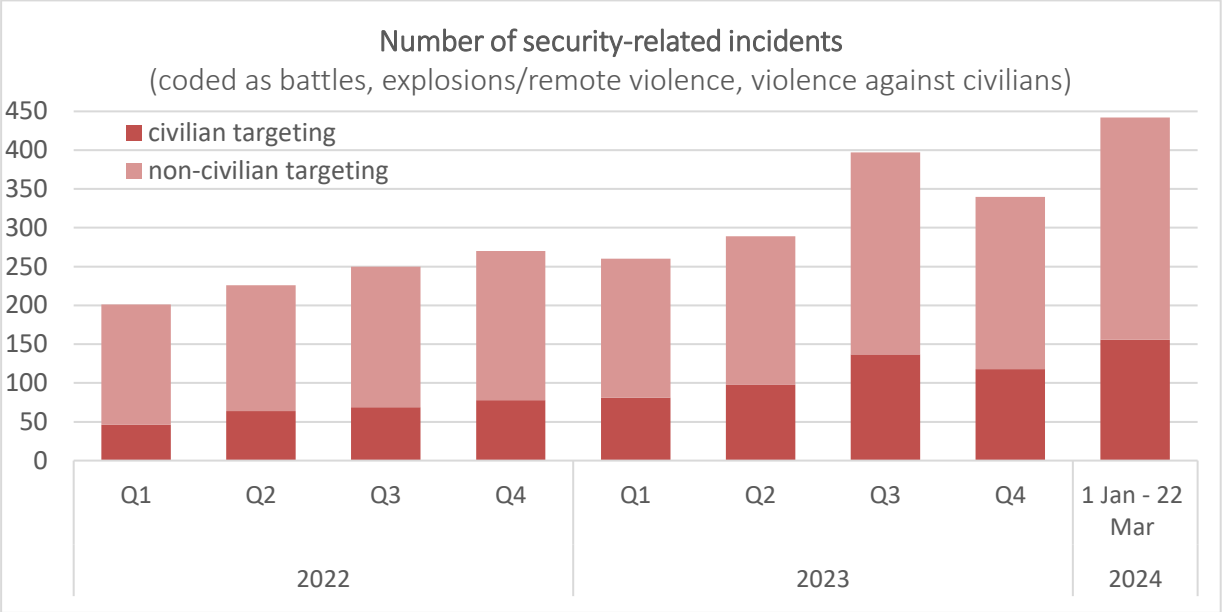

Figure 1. Evolution of security—related incidents coded as battles, explosions/remote violence and violence against civilians per quarter in Pakistan between 1 January 2022 and 22 March 2024, based on ACLED data (ACLED, as of 29 March 2024)

According to ACLED's conflict exposure measure,[7] between 1 January 2022 and 22 March 2024, 53,5 million individuals[8] or 25 percent of the population (for 2022: 32,7 million individuals or 15 percent of the population; for 2023: 39,4 million individuals or 18 percent of the population; for January to 22 March 2024: 15,8 million individuals or 8 percent of the population) were exposed to conflict due to their proximity to security-related incidents coded as battles, explosions/remote violence or violence against civilians in Pakistan (ACLED, accessed 11 April 2024). ACLED specifies that "people are harmed by this exposure in different ways: they may be directly injured; they may find themselves in active conflict; they and their group may be targeted; or they may be affected by the destruction of their village, neighbourhood, or town." (ACLED, undated)

According to data recorded by ACLED, Pakistan's military and police forces were involved[9] in 1,725 security-related incidents[10] between 1 January 2022 and 22 March 2024. Of these, 179 incidents or 10 percent were coded as incidents with "civilian targeting" (ACLED, as of 22 March 2024). For further information on the involvement of militant groups, please see section 3.1.

[7] ACLED's Conflict Exposure Calculator combines information on conflict events from the ACLED database with estimates of population size to estimate the impact on civilians based on factors such as the proximity to an event, the event type, the type of violent actor involved, the geographical location, and the timing of the event (ACLED, undated)

[8] This figure indicates ACLED's so-called 'best' estimate, which means that the respective proximity to each security-related incident was selected based on the type and intensity of the incident. For more detailed information on the 'best' estimate, see ACLED's overview on its conflict exposure measure (ACLED, undated)

[9] When analysing the involvement of specific actors, ACCORD considered all incidents where ACLED coded the respective actor as either "actor1"", "associated actor1", "actor2", or "associated actor2" as according to the ACLED methodology, there is no distinction between the categories of "actor1"/"actor2" and "associated actor1"/ "associated actor2" in terms of content/semantics.

[10] The analysis only included security-related incidents coded as battles, explosions/remote violence and violence against civilians.

In terms of regional distribution of incidents, PIPS and CRSS data indicate that in both 2022 and 2023, most terror attacks occurred in the northwestern Khyber Pakhtunkhwa (KP) province, followed by the southwestern Balochistan province (PIPS, January 2024, p. 18; PIPS, January 2023, p. 14; CRSS, February 2023, p. 4; CRSS, 31 December 2023, p. 4), while ACLED data indicate that in terms of incidents coded as battle, explosions/remote violence or violence against civilians documented in 2022, Balochistan saw the highest number of such incidents (ACLED, as of 29 March 2024):

Number of incidents per region/province by data source and year						
	PIPS		CRSS		ACLED	
	"terrorist attacks"		"incidents of terror"		battles, explosions/remote violence, violence against civilians	
Province	2022	2023	2022	2023	2022	2023
KP	169	174	313	451	405	715
Balochistan	79	110	110	205	411	400
Sindh (incl. Karachi)	8	15	55	68	54	94
Punjab	3	6	25	47	70	60
ICT	2	-	9	5	4	11
GB	1	1	-	6	3	2
AJK	-	-	-	1	-	4
Unidentified	-	-	-	1	-	-
Total	262	306	512	784	947	1,286

Figure 2. Number of incidents per region/province by data source and year, based on PIPS and CRSS annual security reports and ACLED data (PIPS, January 2024, p. 18; PIPS, January 2023, p. 14; CRSS, February 2023, p. 4; CRSS, 31 December 2023, p. 4; ACLED, as of 29 March 2024)

In terms of the number of casualties and/or fatalities per province, again the clear majority were recorded in Khyber Pakhtunkhwa and Balochistan province in 2022 and 2023 (PIPS, January 2024, p. 18; PIPS, January 2023, p. 14; CRSS, February 2023, p. 4; CRSS, 31 December 2023, p. 4; ACLED, as of 29 March 2024):

Casualty figures (civilian and non-civilian) per region/province by data source and year										
	PIPS				CRSS				ACLED	
	killed		injured		killed		injured		Fatalities	
Province	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
KP	294	422	393	782	633	975	420	871	341	454
Balochistan	106	229	271	282	254	413	218	353	408	353
Sindh (incl. Karachi)	8	16	31	26	57	73	58	87	55	79
Punjab	6	16	30	8	28	53	27	32	62	60
ICT	5	-	9	-	8	-	27	94	4	2
GB	-	10	-	26	-	17	-	25	-	11
AJK	-	-	-	-	-	1	-	-	-	2
Unidentified	-	-	-	-	-	1	-	-	-	-
Total	419	693	734	1124	980	1,533	750	1,462	870	961

Figure 3. Casualty figures (civilian and non-civilian) per region/province by data source and year, based on PIPS and CRSS annual security reports and ACLED data (PIPS, January 2024, p. 18; PIPS, January 2023, p. 14; CRSS, February 2023, p. 4; CRSS, 31 December 2023, p. 4; ACLED, as of 29 March 2024). Please note that ACLED only provides figures on fatalities, but no figures on injuries.

3.1 Attacks by militant groups

In December 2023, the US Congressional Research Service (CRS) noted the following on various militant groups in Pakistan:

> "U.S. officials have identified Pakistan as a base of operations and/or target for numerous armed, nonstate militant groups, some of which have existed since the 1980s. Notable terrorist and other groups operating in and/or launching attacks on Pakistan are of five broad, but not exclusive types: (1) globally oriented; (2) Afghanistan-oriented; (3) India- and Kashmir-oriented; (4) domestically oriented; and (5) sectarian (anti-Shia). […] Many observers predicted a resurgence of regional terrorism and militancy in the wake of the Afghan Taliban's 2021 takeover, and data show this has occurred. […] In November 2023, Pakistan's prime minister claimed that, since August 2021, there has been a 60% rise in militant attacks in Pakistan and a 500% rise in suicide bombings in which more than 2,200 Pakistanis were killed." (CRS, 1 December 2023, p. 1)

According to Imtiaz Gul, Executive Director at the CRSS, "[t]errorist attacks in Pakistan are escalating, particularly due to the activities of the Tehrik-e-Taliban Pakistan (TTP), the Baloch Liberation Army (BLA) and the Islamic State of Khorasan Province (ISKP)." The rise in violence can be linked to certain factors, including the TTP ending a ceasefire in 2022, geopolitical dynamics involving groups like the East Turkestan Islamic Movement and ISKP, which are focused on targeting Chinese interests in the region and "a lack of cohesive civil-military action, with critics attributing the resurgent violence to the Pakistani military's involvement in national politics, contributing to the likelihood of more violence in 2023" (Gul, Imtiaz, 29 March 2023).

In its Country Report on Terrorism 2022, the USDOS states that in 2020 the TTP's attack frequency intensified after merging with Jamaat-ul-Ahrar and Hizbul Ahrar. The group ramped up its attack activities, claiming 69 attacks in just two months following the Taliban's rise to power in Afghanistan in 2021. In 2022, the TTP and its allies carried out more than 290 attacks, mostly targeting Pakistani security personnel, mainly in the Khyber Pakhtunkhwa and Balochistan regions. Despite reaching a ceasefire with the Pakistani government in June 2022, TTP attacks continued. The ceasefire was terminated by the TTP in late November 2022, leading to a sharp increase in attacks on security forces in December 2022 (USDOS, 30 November 2023, Chapter 5)

After a TTP suicide bombing in Islamabad in late December 2022 that killed a policeman and wounded several civilians, the Jamestown Foundation concludes in a January 2023 article that this attack shows that the TTP is capable of carrying out attacks practically anywhere in the country (Jamestown Foundation, 20 January 2023). In a March 2023 article, the International Crisis Group claims that the TTP has been on a "killing spree" since January 2023 (International Crisis Group, 29 March 2023); the month that saw the deadliest TTP attack of 2023 (BAMF, December 2023, p. 13), when an attack on a mosque inside a police headquarters in Peshawar on 30 January killed at least 59 people and injured 157 (BBC, 31 January 2023). In her December 2023 Dawn article, journalist Arifa Noor notes that the TTP is reportedly diversifying its approach by increasingly engaging with the public through social media and addressing public concerns, a shift from its previous reliance on violence. Noor also mentions reports of the TTP's expansion into Balochistan and some reports suggesting a possible cooperation between the

TTP and Baloch separatist groups (Noor, Arifa, 5 December 2023), as was already reported by the International Crisis Group in March 2023 (International Crisis Group, 29 March 2023).
As the Jamestown Foundation noted in September 2023, the Baloch separatist insurgency in Pakistan's southwestern province of Balochistan has also become increasingly dangerous following the Taliban's seizure of power in Afghanistan in 2021 (Jamestown Foundation, 8 September 2023). In a December 2023 report, Germany's Federal Office for Migration and Refugees (BAMF) quotes senior PICSS representatives interviewed during a fact-finding mission to Islamabad in May 2023 as indicating that the tactical capabilities of Baloch separatist groups, the largest of which are the Balochistan Liberation Army (BLA) and the Balochistan Liberation Front (BLF), had improved (BAMF, December 2023, p. 13, see also Prasad & Patrick, 24 January 2023). In 2018, the Baloch Raji Ajohi Sangar (BRAS) alliance was formed, comprising the BLA, the BLF, the Baloch Republican Guard, the Baloch Republican Army (BRA) and the Sindhudesh Revolutionary Army (fighting for the independence of Sindh province). These groups have the shared goal of fighting what they see as a Punjab-dominated Pakistani state; their targets include Pakistani security forces, Chinese infrastructure and civilians, as well as "Punjabi settlers" (Prasad & Patrick, 24 January 2023). According to the experts interviewed by the German BAMF, the merger of several groups was described as a new phenomenon, and the fact that these groups mainly recruit well-educated young people and increasingly also women was termed as "striking" (BAMF, December 2023, p. 13).
In addition, for the Pashtun region of Balochistan, which borders Afghanistan, in September 2023, the Jamestown Foundation noted a "dramatic surge in jihadist activities", including attacks by the Islamic State Pakistan Province (ISPP) group and the Tehreek-e-Jihad Pakistan (TJP) (Jamestown Foundation, 8 September 2023). Citing senior PICSS officials interviewed during a fact-finding mission to Islamabad in May 2023, the BAMF reported the following about the two Islamic State groups, ISKP and ISPP, present in Pakistan:

> "In May 2019, the central IS leadership divided the areas of Khorasan and Pakistan into two groups. There are the Islamic State Khorasan Province (ISKP) and the Islamic State Pakistan Province (ISPP) with two different leaders. […] ISKP is active in the region around Peshawar (attacks in and around Bajaur, Peshawar and South Waziristan), ISPP in Balochistan and the rest of Pakistan (attacks in and around Quetta, Lahore and Islamabad). However, there are many overlaps between the groups. Both carry out attacks against Pakistani security forces, police officers, Sufis, Christians and Shiites, among others." (BAMF, December 2023, p. 14)

Although, ISKP reportedly has fewer resources than other terrorist groups in Pakistan, it is nevertheless capable of carrying out major attacks (BAMF, December 2023, p. 14), such as an attack in Bajaur district in July 2023 killing 54 people and injuring 100 (CNN, 31 July 2023) and the March 2022 attack on a Shia Mosque in Peshawar, that left at least 62 dead and injured at least 194 (Dawn, 5 March 2022). In 2022, the ISPP claimed 58 attacks in Pakistan (BAMF, December 2023, p. 15) The Center for Strategic & International Studies (CSIS) noted in August 2023 that the Islamic State group's activity in Pakistan was declining, with fewer attacks linked to its networks in the country compared to the same period in 2022, potentially marking the first year since 2019 with a decline in attacks (CSIS, 3 August 2023).
According to data recorded by ACLED, the Pakistani Taliban (Tehreek-e-Taliban-e-Pakistan, TTP) were involved in 943 security-related incidents (coded as explosions/remote violence and violence against civilians) between 1 January 2022 and 22 March 2024. Of these, 205 incidents

or 22 percent were coded as incidents with "civilian targeting". During the same period, Baloch separatist groups[11] were reportedly involved in 922 security-related incidents, 202 of which (22 percent) were coded as incidents with "civilian targeting". The Islamic State group[12] was reportedly involved in 107 such incidents, with 44 (41 percent) being coded as incidents with "civilian targeting". In addition, the involvement of unidentified armed groups was reported in 459 security-related incidents, of which 280 (61 percent) were coded as incidents with "civilian targeting" (ACLED, as of 22 March 2024).

Number of security-related incidents with militant groups' involvement					
		TTP	Baloch Rebel Groups	Islamic State Group	Unidentified Armed Group
2022	KP	177	3	48	177
	Balochistan	6	370	10	15
	Sindh (incl. Karachi)	1	2	1	21
	Punjab	-	1	6	30
	ICT	2	-	1	1
	GB	-	-	-	3
	Total	**186**	**376**	**66**	**247**
2023	KP	568	4	20	47
	Balochistan	29	327	13	19
	Sindh (incl. Karachi)	3	8	-	58
	Punjab	14	3	-	24
	ICT	1	-	-	8
	GB	-	-	-	2
	AJK	-	-	-	3
	Total	**615**	**342**	**33**	**161**
Jan – 22 Mar 2024	KP	138	-	4	19
	Balochistan	2	202	4	13
	Sindh (incl. Karachi)	-	2	-	15
	Punjab	2	-	-	4
	Total	**142**	**204**	**8**	**51**

Figure 4. Number of security—related incidents (coded as battles, explosions/remote violence and violence against civilians) with involvement of TTP, Baloch rebel groups, Islamic State group or unidentified armed groups per region/province between 1 January 2022 and 22 March 2024, based on ACLED data (ACLED, as of 29 March 2024)

In the run-up to the general elections held in February 2024, an increase in violence was reported, including targeted killings of candidates in Khyber Pakhtunkhwa and Balochistan provinces (BBC, 5 February 2024). On election day, the BBC reported that the Pakistani Election Commission had "categorised half of the 90,675 polling stations as either 'sensitive', meaning there is a risk of violence, or 'most sensitive', indicating a higher risk" due to "the region's

[11] Includes groups coded by ACLED as Baloch Separatists, Baloch Liberation Army, Baloch Liberation Front, Baloch Liberation Tigers, Baloch Nationalist Army, Baloch Republican Army, Baloch Republican Guard, Baloch Raaji Ajoi e Sangar, United Baloch Army

[12] Coded by ACLED as "Islamic State (Pakistan)" or "Islamic State (Afghanistan)"

security situation and history of electoral violence" (BBC, 8 February 2024). Baloch separatists reportedly "called for a boycott of the upcoming elections, implying a threat to those participating in the elections" (ACLED, 1 February 2024).

3.2 Major incidents of protests and civil unrest

During the reporting period, the ousting of former Prime Minister Imran Khan in April 2022 (see, e.g., The Guardian, 18 April 2022), his arrest on corruption charges in May 2023 (see, e.g., Al Jazeera, 10 May 2023), and the February 2024 allegedly rigged election results (see, e.g., France24, 12 February 2024) led to major protests in towns and cities across Pakistan: In the context of the April 2022 protests, Khan's former information minister tweeted that "Pakistan was 'inches away from fully fledged civil unrest'" (The Guardian, 18 April 2022). In the wake of the May 2023 protests, the government had "called in the army to help end deadly unrest […], warning protesters against any further attacks on state installations" and "promis[ing] stern action against those seeking to push Pakistan towards a 'civil war'" (Al Jazeera, 10 May 2023). In a blog post published by the Wilson Center, Baqir Sajjad, Diplomatic and National Security Correspondent, at the Pakistani Newspaper Dawn, described the protests as "undoubtedly unprecedented" (Sajjad, 16 May 2023). Maleeha Lodhi, Pakistan's former ambassador to the UN, told Al Jazeera that the May 2023 protests were "probably the most serious political and constitutional crisis that Pakistan has faced in many, many decades. It comes on the back of a serious economic crisis. What you have is a perfect storm in Pakistan right now" (Al Jazeera, 10 May 2023). For further information on the treatment of protesters, see section 5.5; for information on protests against enforced disappearances, see section 7.3.

4 Economic situation

4.1 Inflation

In an article of January 2024, Profit, the online business magazine of Pakistan Today, notes that inflation has been rising since 2022:

> "The inflation rate in Pakistan has been on a rising trend since 2022, mainly due to the depreciation of the Pakistani rupee, supply chain disruptions, higher global commodity prices and expansionary fiscal and monetary policies." (Profit, 2 January 2024)

Similarly, the United Nations World Food Programme (WFP) notes in July 2023 that "fuel price hikes, energy costs, the devaluation of the rupee, increased production costs, and increased prices of imported goods" contribute to the continually high inflation, but also "prevailing economic and political uncertainties" (WFP Pakistan, 31 July 2023, p. 2).

According to data by the Pakistan Bureau of Statistics (PBS), as of December 2023, the country's year-on-year inflation amounted to 29.66 percent (PBS, December 2023, p. 1), mainly because of rising electricity prices (Profit, 2 January 2024). In May 2023, it had peaked at 37.97 percent (Dawn, 2 March 2024; see also PBS, May 2023, p. 1). In the housing, water and electricity sector, the year-on-year increase amounted to 37.68 percent in December 2023, and in the transport sector to 28.60 percent (PBS, December 2023, p. 2). Food inflation, as Profit notes, declined by 0.49 percent in December 2023 in comparison with the previous month, but remained high year-on-year, mainly due to rising prices for fresh vegetables, wheat flour, sugar, rice, and pulses (Profit, 2 January 2024). The New Humanitarian (TNH) quotes the Pakistan country director for Mercy Corps, an international aid organisation, saying that the high food inflation "has led to a situation where people can't afford food, even when plenty is available" (TNH, 19 September 2023).

In the January 2024 update of its World Economic Outlook, the International Monetary Fund (IMF) projects Pakistan's Gross Domestic Product (GDP) growth for 2024 at 2 percent - down from 2.5 percent projected by the IMF in October 2023 (IMF, January 2024, p. 11), while the Monetary Policy Committee (MPC) of the State Bank of Pakistan (SBP) continues to project a GDP growth "in the range of 2 to 3 percent" for 2024 (SBP, 29 January 2024, p. 1).

Regarding the country's inflation rate, as of October 2023, the IMF had projected a rate of 23.6 percent for the year 2024 (IMF, October 2023, p. 130). The SPB notes in a statement of January 2024 that the average inflation was estimated at 23-25 percent in 2024. The Bank explains that food and core inflation had been "moderating" in the preceding months, but that these positive developments had been "diluted by sizable adjustments in administered energy prices". In this context, the SPB stresses the need of reforms in the energy sector "to achieve price stability on a sustainable basis" (SBP, 29 January 2024, p. 2).

The Express Tribune, a Pakistani daily newspaper, notes in October 2023 that one reason for the rising inflation was the "administered increase in prices of energy, petroleum products and currency devaluation" (The Express Tribune, 11 October 2023). The BBC explains in December 2023 that increasing energy prices could partly be attributed to IMF lending conditions (following an agreement with the IMF over a new bailout), which required the government to withdraw energy subsidies (BBC, 4 December 2023; The Guardian, 5 September 2023) and increase fuel prices (TNH, 19 September 2023). At the same time, the BBC points to the impact of rising prices on the low-income population and working class, with reportedly thousands

losing their jobs as factories close, unable to cover rising energy prices (BBC, 4 December 2023; see also HRW, 11 January 2024).

4.2 Shortage of gas and electricity

According to the Pakistani newspaper Dawn, gas makes up almost 38 percent of the country's energy supply. However, Dawn notes, the local production[13] amounts to roughly 4 billion cubic feet per day (bcfd), while the "peak demand" amounts to of 6-8 bcfd (Dawn, 22 November 2023; see also Pakistan Today, 25 December 2023). About 25 percent of the gas consumed in Pakistan consists of imported liquified natural gas (LNG) (Dawn, 3 July 2023). According to the Business Recorder, more than half of its LNG requirement is covered "through long-term import contracts with Qatar while the gas deficit is met through spot cargo purchases" (Business Recorder, 18 January 2024).

Dawn and Pakistan Observer point to recurring gas shortages in wintertime (Dawn, 22 November 2023; Pakistan Observer, 12 October 2022). Dawn describes some of the reasons for these shortages:

> "This situation is not new for people and has been going on for more than a decade and a half. The reasons for gas shortages in the country are well known: our domestic production has depleted drastically because of decades of misuse of this energy resource and as no major gas discovery has been made in years to compensate for the shrinking reserves. The pipeline projects to bring gas from Iran and the Central Asian states continue to hit one snag after another. The import of expensive LNG is the only option we are left with to plug the supply gap. But volatile global market conditions and uncertainty surrounding the international supply chain in recent years, as well as balance-of-payments woes have taught us that this option, too, is difficult." (Dawn, 22 November 2023)

Deccan Herald (DH), an Indian daily newspaper based in the southern state of Karnataka, points to political and security factors that have an impact on the country's gas crisis:

> "Disputes with foreign gas suppliers and the Russian invasion of Ukraine have also contributed to the gas crisis in Pakistan. Political instability, inconsistent policies, security problems and weak contract enforcements have also prevented foreign firms from investing in Pakistan's oil and gas exploration sector." (DH, 13 December 2022)

Moreover, according to the caretaker federal minister for energy quoted by the Express Tribune, Pakistan has only two LNG terminals, "which are insufficient to provide round-the-clock gas supply" and, even if working at full capacity, would not suffice to fully cover winter demand (The Express Tribune, 22 September 2023).

In addition to gas shortages, Pakistan also faces power cuts: The Council on Foreign Relations (CFR), a US-based nonpartisan think tank and publisher with a focus on foreign policy, mentions

[13] According to a report by the Pakistan Institute of Development Economics (PIDE) of September 2022, there are 15 gas exploration and production companies working on 55 gas fields across the country, while transmission and distribution are "mainly owned and operated" by state-owned companies Sui Northern Gas Pipeline Limited (SNGPL) and Sui Southern Gas Company Limited (SSGCL) (PIDE, September 2022, p. 2).

a nationwide blackout in January 2023 ("the latest in a series of blackouts") (CFR, 6 February 2023) and Pakistan Today describes power cuts of 8 to 14 hours (in urban centres and rural areas, respectively) across the country in December 2023 (Pakistan Today, 25 December 2023). The CFR notes that lack of maintenance and fuel contribute to the recurring power cuts:

> "Such blackouts are becoming increasingly common. Analysts say the electricity grid, established prior to Pakistan's 1947 independence and largely constructed in the 1960s, is suffering from a dangerous lack of maintenance and investment. Pakistan is also running low on the imported fossil fuels that power the grid, with prices skyrocketing since the Russian invasion of Ukraine began." (CFR, 6 February 2023)

Pakistan Today and The Express Tribune point to the impact of the gas shortages on the industrial sector in Punjab province (Pakistan Today, 25 December 2023; The Express Tribune, 22 September 2023).

5 Freedom of assembly and freedom of expression

5.1 Legal framework

The Constitution provides for "the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order" (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 16).
In its annual report covering 2022, Amnesty International notes that the "authorities severely curtailed the right to freedom of peaceful assembly, harassing, arresting and detaining critics and political rivals as well as forcibly dispersing protests and assaulting journalists and others" (Amnesty International, 27 March 2023). According to the USDOS, the "government's failure to investigate and prosecute attacks on human rights defenders and peaceful protesters led to de facto restrictions on freedom of assembly and association" (USDOS, 20 March 2023, section 2a).
The Constitution further guarantees the freedom of speech and freedom of the press, "subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence" (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 19). According to the USDOS, the "law permits citizens to criticize the government publicly or privately, but court decisions interpreted the constitution as prohibiting criticism of the military and judiciary. Such criticism may result in legal, political, or commercial reprisal" (USDOS, 20 March 2023, section 2a). The Penal Code stipulates that the conviction for blasphemy carries severe penalties, including the death penalty for defiling "defiles the sacred name of the Holy Prophet Muhammad" (Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 295C), life imprisonment for defiling, damaging, or desecrating the Quran (Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 295B), and a prison sentence for up to ten years for insulting the religious feelings of citizens of Pakistan (Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 295A). The USDOS reports:

> "The courts enforced the blasphemy laws, and although authorities did not execute any person for committing blasphemy, allegations of blasphemy often prompted vigilantism and mob lynching. The government restricted some language and symbolic speech based on hate speech and terrorism provisions in the law.'" (USDOS, 20 March 2023, section 2a)

5.1.1 Sedition and counterterrorism laws

Counterterrorism laws

According to the USDOS, in 2023, the Pakistani government implemented the Anti-Terrorism Act[14], the National Counterterrorism Authority Act[15], the Investigation for Fair Trial Act[16], and significant amendments made in 2014 and 2020 to the Anti-Terrorism Act. These legislative measures gave "law enforcement, prosecutors, and courts enhanced powers in terrorism cases" (USDOS, 30 November 2023). A definition of the term "terrorism" is provided in Section 6 of the Anti-Terrorism Act of 1997 (see Anti-Terrorism Act, 20 August 1997, with amendments up to 22 September 2020, Section 6). Between 1997 and 2000, the Anti-Terrorism Act underwent five modifications, three of which specifically altered the definition of the term terrorism. From 2002 to 2013, the Anti-Terrorism Act saw nine changes, and the definition was adjusted five times during this period: in 2004, 2009, 2010, and twice in 2013. Each of these revisions involved a more detailed description of the three components of the definition: methods, objectives, and outcomes of terrorism (Khan et al., 20 May 2022).
According to a research paper written by Ayesha Jawad and published by Security and Defence Quarterly[17], under the Anti-Terrorism Act[18], the Protection of Pakistan Act[19], and the twenty-first amendment to the Pakistani Constitution in 2015[20], special courts have been established to address terrorism. Specifically, military courts were instituted to prosecute terrorists by the 2015 Constitution amendment. These legal frameworks augment the existing provisions in the Code of Criminal Procedure[21], and the Pakistan Penal Code[22], incorporating provisions related to offenses associated with terrorism (Jawad, 2022).

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[14] Anti-Terrorism Act, Act No. XXVII of 1997, 20 August 1997, with amendments up to 22 September 2020, https://pakistancode.gov.pk/pdffiles/administrator0c000814bbb1b4188b0855eb6e5dd446.pdf

[15] See National Counter Terrorism Authority Act, Act No. XIX of 2013, 26 March 2013, with amendments up to 18 March 2020
https://pakistancode.gov.pk/pdffiles/administrator3057c240184b028627727957e4caf5cc.pdf

[16] See Investigation for Fair Trial Act, Act No. I of 2013, 20 February 2013, https://pakistancode.gov.pk/pdffiles/administrator289aee517e7b8512e341194f9e846738.pdf

[17] Security and Defence Quarterly is an "journal dedicated to advancing knowledge in the field of security and defence" and is published by "under the auspices of the Faculty of National Security of the War Studies University in Warsaw, Poland" (Security and Defence Quarterly, undated).

[18] See Anti-Terrorism Act, Act No. XXVII of 1997, 20 August 1997, with amendments up to 22 September 2020, https://pakistancode.gov.pk/pdffiles/administrator0c000814bbb1b4188b0855eb6e5dd446.pdf

[19] See Protection of Pakistan Act, Act No. X of 2014, 14 July 2014, https://pakistancode.gov.pk/pdffiles/administrator245b4aa097578e1179807a9c9e6f7a30.pdf

[20] See Constitution (Twenty-First Amendment) Act, Act No. I of 2015, 7 January 2015, https://na.gov.pk/uploads/documents/1420800195_264.pdf

[21] See Code of Criminal Procedure, Act No. V of 1898, 22 March 1898, with amendments up to 30 December 2022 https://pakistancode.gov.pk/pdffiles/administrator7db1e56f0f1d39a6e67573ec6b0944e2.pdf

[22] See Pakistan Penal Code, Act No. XLV of 1860, 6 October 1860, with amendments up to 18 July 2023, https://pakistancode.gov.pk/pdffiles/administratord5622ea3f15bfa00b17d2cf7770a8434.pdf

According to the National Counter Terrorism Authority (NACTA) of Pakistan the following laws in place are "meant to deal with various aspects of anti-terrorism and counter-extremism": the National Counterterrorism Authority Act, the Anti-Terrorism Act, the Foreign Exchange Regulation Act[23], the Banking Companies Ordinance[24], the Anti-Money Laundering Act[25], the Prevention of Electronic Crimes Act[26] and the Loud Speaker Act (NACTA, undated). Following the 2014 Peshawar school "massacre" (see also Encyclopaedia Britannica, last updated 22 March 2024), the Pakistani government implemented a National Action Plan aimed at eradicating terrorism within the country. Various legislative measures were enacted to address activities associated with extremism and terrorism. In line with this initiative, the Punjab Sound System (Regulation) Act[27] was introduced in the Punjab province, with other provinces subsequently adopting similar legislation, while the former West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance of 1965[28] was repealed (Jamshed et al., December 2020, p. 130).

Sedition law

According to HRW, the sedition law, "based on a colonial-era British provision, is vague and overly broad and has often been used against political opponents and journalists" (HRW, 11 January 2024). According to Khalid Zafar & Associates, the sedition law was initially drafted in 1837. Following the partition of India and Pakistan, "the law remained intact as a residue and relic of oppressive colonial legacy which had been introduced to rule the subjects" (Khalid Zafar & Associates, undated(a)).

On 30 March 2023, the Lahore High Court (LHC) issued "a landmark judgment", declaring that Section 124A of the Pakistan Penal Code, which pertains to sedition (see also Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 124A), is unconstitutional and violates fundamental rights outlined in the Constitution of Pakistan. Based on these findings, the LHC invalidated Section 124A of the Pakistan Penal Code (Tahir, 11 May 2023; see also Al Jazeera, 30 March 2023). The government lodged an appeal with the Supreme Court challenging the decision, which is still awaiting a resolution (HRW, 11 January 2024). In December 2023, the Senate Standing Committee on Interior unanimously endorsed a bill suggesting the repeal of Section 124A of the Pakistan Penal Code. The committee discussed the

[23] See Foreign Exchange Regulation Act, Act No. VII of 1947, 11 March 1947, with amendments up to 21 February 2020, https://pakistancode.gov.pk/pdffiles/administrator4ef414a2433e9cd3ebe6b05800627920.pdf

[24] See Banking Companies Ordinance, Ordinance No. LVII of 1962, 7 June 1962, with amendments up to 29 March 2011, https://pakistancode.gov.pk/pdffiles/administrator53b33d7c0ff80d13e0b8f5e4bd578970.pdf

[25] See Anti-Money Laundering Act, Act No. VII of 2010, 27 March 2010, with amendments up to 7 May 2021, https://pakistancode.gov.pk/pdffiles/administrator47c7a5354061a54634a6246d2046ddcf.pdf

[26] See Prevention of Electronic Crimes Act, Act No. XL of 2016, 18 August 2016, with amendments up to 18 July 2023, https://pakistancode.gov.pk/pdffiles/administrator6a061efe0ed5bd153fa8b79b8eb4cba7.pdf

[27] See also Punjab Sound Systems (Regulation) Act, Act XVIII of 2015, 18 March 2015, with amendments up to 16 May 2018, http://punjablaws.gov.pk/laws/2601.html

[28] See also Punjab Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance, 2 March 1965, with amendments up to 11 October 2007, http://punjablaws.gov.pk/laws/182.html

Pakistan Penal Code (Amendment) Bill of 2020, originally introduced in February 2020. The bill aims to amend Section 124A of the Pakistan Penal Code, with the intention of dismantling the colonial framework of governance (Business Recorder, 15 December 2023). According to HRW, in 2023, authorities persisted in pursuing sedition prosecutions (HRW, 11 January 2024).

5.1.2 Regulation of civil society

The USDOS notes that the government upholds policies that limit the freedom of both international NGOs (INGOs) and domestic NGOs to conduct their operations and reach the communities they serve (USDOS, 20 March 2023, section 2a). According to a June 2023 report by the Heinrich Böll Foundation, Pakistan has around 13 laws addressing the registration and functioning of local non-profit organizations (NPOs) (Heinrich Böll Foundation, June 2023, p. 4). According to the International Center for Not-for-Profit Law (ICNL), the legal framework for civil society organizations (CSOs) can generally be categorized into various aspects. Some laws oversee the registration, internal management, and accountability of these organizations, while others regulate their financing and administration. Additionally, certain laws govern the reporting dynamics between the state and CSOs concerning their operations or treatment of employees. ICNL mentions that overall, "the legal framework can be considered generally enabling for civil society and the activities of CSOs" (ICNL, 26 February 2024, Introduction).
International NGOs operating in Pakistan are governed by the INGOs Policy 2015[29](Heinrich Böll Foundation, June 2023, p. 4). According to the USDOS, INGOs, UN agencies, and international missions typically need to obtain permission from different levels of government in the form of no-objection certificates (NOCs) before undertaking most in-country travels, executing specific project activities, or commencing projects (USDOS, 20 March 2023, section 2a).

Please see the following website of Pakistan's Ministry of Interior for rules and regulations regarding INGOs:

- Ministry of Interior: Government of Pakistan's special initiative to register INGOs On-line, undated
  https://ingo.interior.gov.pk/

Both at the federal and provincial levels, the government obstructed locally funded NGOs receiving foreign support through a distinct registration process, NOCs, and additional requirements, the USDOS notes. Authorities mandate that domestic NGOs obtain NOCs before accepting foreign funding, reserving facilities, utilizing university venues for events, or engaging in "sensitive" human rights issues (USDOS, 20 March 2023, section 2a).
In November 2022 the government introduced the Policy for Local NGOs/NPOS Receiving Foreign Contributions-2022[30], superseding "all previous policies, instructions and clarifications

[29] See Ministry of Interior, Economic Affairs Division: Policy for regulation of International Non-governmental Organizations (INGOs) in Pakistan; No.6/34/2015-PE-III, 1 October 2015, https://www.ead.gov.pk/SiteImage/Misc/files/NGO's%20Policy%202015.pdf

[30] See Ministry of Economic Affairs, Economic Affairs Division: Policy For Local NGOs / NPOS Receiving Foreign Contributions-2022, [No. 2(2)NGO/Policy/ 2016] 24 November 2022, https://www.ead.gov.pk/SiteImage/Misc/files/2022/NGOs-Policy-2022.pdf

of Ministry of Economic Affairs (MoEA)" in this regard (Ministry of Economic Affairs, Economic Affairs Division, 24 November 2022, section 4f; see also USDOS, 20 March 2023, section 2a).

Please see the following website by ICNL for detailed information on regulations regarding civil society organizations:

- ICNL - International Center for Not-for-Profit Law: Civic Freedom Monitor, Pakistan, last updated 26 February 2024
  https://www.icnl.org/resources/civic-freedom-monitor/pakistan

Starting in March 2018 in Punjab, August 2019 in Khyber Pakhtunkhwa, October 2019 in Balochistan, December 2019 in Sindh, and June 2021 in Islamabad, CSOs have been mandated to register with Charity Commissions according to Charity Acts. Registration with Charity Commissions is now obligatory in all provinces and the federal capital. CSOs are prohibited from operating and acquiring funding without registration with Charity Commissions (ICNL, last updated 26 February 2024, Legal Analysis). In 2020, a coalition of NGOs filed a petition at the Sindh High Court challenging the Sindh Charities Registration and Regulation Act of 2019[31]. The petitioners claimed that the government was restricting freedom of association beyond constitutional limits. Additionally, the petition argued that the law's intention was not to regulate NGOs but rather to weaken and disable them. As of September 2022, the case was ongoing (USDOS, 20 March 2023, section 2a; see also The News International, 20 April 2022). According to the USDOS, local NGOs voiced concerns that tight government regulations impeded their capacity to address the flood crisis that commenced in June 2022. The USDOS further details:

> "On August 13 [2022], the federal government announced permission for all local NGOs to conduct relief, rehabilitation, and reconstruction activities in flood-affected areas for six months – from August [2022] to February 2023 – without restrictions under the 2013 NGO policy[32]. In 2020, the Ministry of Economic Affairs' Economic Affairs Division that oversees registration of domestic NGOs receiving foreign funding, eased requirements for registered domestic and international NGOs engaged in COVID-19 relief activities." (USDOS, 20 March 2023, section 2a).

5.1.3 Internet restrictions

The foundation of Pakistan's legal framework concerning cyberspace can be found in the Constitution of Pakistan, although it does not explicitly mention information technology or cyberspace. However, it "lists the items of legislation in the Federal Legislative List to the Fourth Schedule of the Constitution that confers legislative powers to the Federation" regarding -

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[31] See Sindh Charities Registration and Regulation Act, 2019, Sindh Act No. XVI of 2019, 10 December 2019, http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XVI%20of%202019.pdf

[32] See Ministry of Finance, Revenue, Economic Affairs, Statistics & Privatization: Economic Affairs Policy for regulation of organizations receiving foreign contributions, [No.1(5)INGO/05], 28 November 2013, https://www.ead.gov.pk/SiteImage/Misc/files/iii_%20NGOs%20Policy%202013.pdf. In November 2022, the government introduced the Policy for Local NGOs/NPOS Receiving Foreign Contributions-2022.

amongst others - communications. Building upon this constitutional framework, the government has enacted numerous laws concerning cyberspace, including the Federal Investigation Act[33] (Adil, 7 March 2023). The Telecommunication (Re-Organization) Act[34], enacted in 1996, sought to reorganize Pakistan's telecommunications sector. As a result of this legislation, the Pakistan Telecommunication Authority (PTA)[35] was established in January 1997 (Khalid Zafar & Associates, undated(b)). The PTA serves as the regulatory authority overseeing the internet and mobile industry (Freedom House, 4 October 2023, section A5). The responsibility for reviewing and reporting blasphemous or offensive content for removal lies with the Web Analysis Division of the PTA, while the Federal Investigation Agency (FIA) is responsible for potential criminal prosecution (USDOS, 20 March 2023, section 2a).

Authorities are also granted the power to suspend internet services under Section 54 of the Pakistan Telecommunication (Re-organization) Act, (Freedom House, 4 October 2023, section A3; Pakistan Telecommunication (Re-organization) Act, 17 October 1996, with amendments up to 26 June 2014, Section 54).

In March 2015, the PTA officially assumed the role of managing internet content. This role was further strengthened by the Prevention of Electronic Crimes Act 2016 (PECA)[36] and the Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguards) Rules 2021[37](Freedom House, 4 October 2023, section A5). The Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguards) Rules have been put into effect to support the provisions outlined in Sections 37 and 51 of the PECA. According to these sections, the PTA is empowered to establish regulations governing the blocking and management of online content across social media platforms. These sections specify that content may be blocked or removed by the PTA if it is deemed to "to be violative of the glory and interest of Islam, defence, security and integrity of Pakistan, public order, decency or morality, or in relation to contempt of court or commission of or incitement of an offence relating to data protection or cybercrime" (Yousaf Amanat & Associates, 29 June 2022; see also Prevention of Electronic Crimes Act, 18 August 2016, Sections 37 and 51). Concerns have arisen regarding the transparency and oversight of the PTA, particularly regarding its powers, as outlined in Section 37 of the PECA, to block and remove online content (Freedom House, 4 October 2023, section A5). President Arif Alvi signed amendments to the PECA on 20 February 2022, which extended

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[33] See Federal Investigation Agency Act, 1974, Act No. VIII of 1975, 13 January 1975, with amendments up to 3 November 2022, https://pakistancode.gov.pk/pdffiles/administratordfe187919a2c974a87c531b9e0acd032.pdf

[34] See Pakistan Telecommunication (Re-organization) Act, Act No. XVII of 1996, 17 October 1996, with amendments up to 26 June 2014, https://pakistancode.gov.pk/pdffiles/administratorcf6de2451af9e9d016e5fef2ac7e1562.pdf

[35] For further information on legislation involving the PTA please also see: PTA - Pakistan Telecommunication Authority: Laws & Policies, undated, https://www.pta.gov.pk/en/laws-&-policies/act

[36] See Prevention of Electronic Crimes Act, Act No. XL of 2016, 18 August 2016, with amendments up to 18 July 2023 https://pakistancode.gov.pk/pdffiles/administrator6a061efe0ed5bd153fa8b79b8eb4cba7.pdf

[37] See Ministry of Information Technology & Telecommunication: Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguards) Rules, 2021, 12 October 2021, https://moitt.gov.pk/SiteImage/Misc/files/Removal%20Blocking%20of%20Unlawful%20Online%20Content%20Rules%202021.PDF

the prison sentence for online defamation on social media platforms from three to five years. The amendment also mandated an expedited trial, ideally concluding within six months of the case being recognized. However, on 8 April 2022, the Islamabad High Court invalidated the ordinance (USDOS, 20 March 2023, section 2a; see also The Express Tribune, 8 April 2022; Amnesty International, 28 February 2022).

5.2 Harassment of and violence against human rights defenders, lawyers and journalists

Human Rights defenders and lawyers

In its human rights report covering the year 2022 the USDOS provides the following information: Human rights defenders and activists in Pakistan faced significant challenges, including the government's failure to investigate and prosecute attacks on them, leading to restrictions on their freedom of assembly and association (USDOS, 20 March 2023, section 2a). The government also used an exit control list to prevent certain individuals, including human rights defenders and critics, from leaving the country, citing prevention of anti-state activities as the reason (USDOS, 20 March 2023, section 2d). The government's restrictions on information deemed harmful to national interest have led to actions against activists' social media accounts (USDOS, 20 March 2023, section 2a).

There were reports of authorities arresting and causing the disappearance of human rights activists from various ethnic groups, often without legal justification (USDOS, 20 March 2023, section 1b). As Frontline Defenders reports in August 2023, enforced disappearances are utilized as a strategy to target human rights defenders. The organisation notes a growing trend in recent years of such incidents, including brief disappearances, with human rights defenders emerging from state custody after a few hours to several weeks. Survivors have provided accounts of enduring both psychological and physical mistreatment during their captivity. In cases where the state acknowledges holding human rights defenders in custody, "many of them face false legal cases, resulting in prolonged detention, imprisonment, and surveillance." Despite promises from various Pakistani administrations, there has been minimal effort to outlaw enforced disappearances (Frontline Defenders, 30 August 2023).

In a July 2023 statement at the UN Human Rights Council regarding the adoption of the UPR[38] report of Pakistan, the NGOs Asia Legal Resource Centre, Aware Girls and CIVICUS note that cases of "criminalisation of human rights defenders and journalists on fabricated charges" were documented (CIVICUS et al., 10 July 2023). In March 2024, CIVICUS reports that around the February 2024 elections "the authorities also sought to stifle dissent by the targeting of human rights defenders and activists". According to Josef Benedict, an Asia Pacific researcher for CIVICUS, "human rights defenders and activists remain at risk in Pakistan for speaking up or mobilising to demand for justice and accountability" (CIVICUS, 5 March 2024).

Cases involving human rights defenders documented by Frontline Defenders include the judicial harassment and arrest of human rights lawyer and woman human rights defender

[38] The Universal Periodic Review (UPR) - a mechanism of the United Nations Human Rights Council (HRC) periodically examines the human rights performance of UN Member States.

Imaan Zainab Mazari-Hazir in Islamabad (Frontline Defenders, 5 September 2023; see also Al Jazeera, 20 August 2023; Lawyers for Lawyers, 20 October 2023), a police raid on the residence of woman human rights defender Hooran Baloch in Quetta (Frontline Defenders, 29 November 2023), and the arrest of woman human rights defender Mahrang Baloch near Islamabad (Frontline Defenders, 21 December 2023). In June 2023, media sources report that "human rights activist and lawyer Jibran Nasir has returned home after being abducted by unidentified armed men in the southern city of Karachi". Nasir did not specify who had detained him or the conditions of his release, after his return (RFE/RL, 2 June 2023; see also Reuters, 2 June 2023; VOA, 2 June 2023).

In January 2023, lawyer and human rights defender Abdul Latif Afridi was shot dead within the premises of the Peshawar High Court. According to HRW he "was one of Pakistan's most courageous and outspoken voices for rule of law, democracy, and human rights over several decades". The alleged shooter, identified as a junior lawyer, was apprehended on-site (HRW, 17 January 2023).

Journalists

In its 2023 World Press Freedom Index, Reporters Without Borders (RSF) ranks Pakistan 150th out of 180 nations (RSF, undated). The Committee to Protect Journalists (CPJ) lists Pakistan as the 11th highest on its 2023 Global Impunity Index, evaluating nations with the poorest track record in bringing to justice those who murder journalists (CPJ, 31 October 2023).

RSF notes that Pakistan witnesses three to four killings of journalists annually, frequently tied to corruption or illegal trafficking incidents, with the perpetrators often escaping justice. Journalists crossing "the red lines dictated by Inter-Services Public Relations (ISPR)", a branch of the intelligence services, risk becoming subjects of in-depth surveillance, potentially resulting in their kidnapping and detention for indeterminate periods in official or unofficial detention facilities. Moreover, the Inter-Services Intelligence (ISI), the foremost military intelligence body in Pakistan, "is prepared to silence any critic once and for all" (RSF, undated). In its annual human rights report, the USDOS provides the following information on the situation of journalists in 2022:

> "Security forces, political parties, militants, influential landlords, and other groups subjected media outlets, journalists, and their families to threats and harassment. Women journalists in particular faced threats of sexual violence and harassment, including via social media, where they had a particularly strong presence. Security forces allegedly abducted journalists. Media outlets that reported on topics authorities viewed as sensitive were often the targets of retribution. Additionally, journalists working in remote and conflict-ridden areas lacked basic digital and traditional security skills, which increased pressure to self-censor or simply not publish a story. Women journalists lamented that the Protection of Journalists and Media Professionals Act of 2021 was flawed and urged the government to amend the law. […] Journalists experienced physical threats, economic coercion, harassment, and violence when reporting on sensitive topics critical of the government, ruling political party, and military establishment. Media personnel reported cases of journalists being drawn into legal proceedings and forced out of jobs, strangling them economically. Journalists reported an increase in abductions and torture. Both the military,

> through the director general of its Inter-Services Public Relations media service, and government oversight bodies, such as the Pakistan Electronic Media Regulatory Authority (PEMRA) and Pakistan Telecommunication Authority (PTA), enforced censorship through a variety of tactics. By law the government may restrict information that might be harmful to the national interest. Rights activists reported the government contacted Twitter and asked the service to take down accounts of activists deemed problematic." (USDOS, 20 March 2023, section 2a)

According to Usama Khawar, a lawyer and policy expert cited by Dawn in January 2024, by targeting journalists, the government seeks to quell dissenting voices and cement its control over the narrative, as the media significantly influences public opinion. He further mentioned that "kidnappings serve as a tool of fear and intimidation, discouraging critical reporting and ensuring that information aligns with the interests of the ruling establishment". Mirza Moiz Baig, another legal professional, explained that the state's behaviour towards journalists was symptomatic of a wider problem with the rule of law. According to him, the persistent lawlessness has had a disproportionate impact on civil society, lawyers and journalists (Dawn, 3 January 2024).

Regarding the situation journalists face in Pakistan's Balochistan[39], a May 2023 Dawn article mentions that "if journalism is a dangerous profession in Pakistan, nowhere do journalists have to navigate the kind of multi-dimensional threat landscape as they do in Balochistan". Most of media professionals consulted by Dawn in Quetta and Khuzdar for the article chose not to make on-the-record comments. A Quetta-based journalist remarked, that "there are so many actors now that it's easy to kill anyone and put it on someone else. Security forces, separatist outfits, tribal sardars, anyone can take offence at what we say or report". The journalist further said: "We write what the authorities want us to write. We can't present the real facts" (Dawn, 3 May 2023).

In January 2024, Dawn provides an overview on incidents involving journalists in 2023. According to the article, journalist Syed Fawad Ali Shah was deported from Malaysia in August 2022. Shah's wife suspected that Pakistani agencies coordinated with Malaysian officials to orchestrate his return as a punitive measure for his reporting activities. In February 2023, Shah informed his wife that he had been detained for five months in an underground cell in Islamabad by authorities, who subjected him to mistreatment (see also VOA, 6 April 2023). Akash Ram, associated with Bol Media Group, was abducted in Karachi by unidentified individuals in April 2023, with his whereabouts unknown as of January 2024. Also in April 2023, Gohar Wazir was abducted and tortured by unknown captors, before being released with

[39] Please also see the following documents for Information on the situation of journalists in Balochistan: The Friday Times: Journalists In Balochistan Continue To Face Huge Danger, 10 January 2023, https://thefridaytimes.com/10-Jan-2023/journalists-in-balochistan-continue-to-face-huge-danger; IPS – Inter Press Service: Journalists in Balochistan: Keep Quiet or Die, 7 April 2023, https://www.ipsnews.net/2023/04/journalists-balochistan-keep-quiet-die/?utm_source=rss&utm_medium=rss&utm_campaign=journalists-balochistan-keep-quiet-die; Imdad, Imrana: Ink and anguish: the psychological struggles of Baloch journalists, The Express Tribune (ed.), 17 September 2023, https://tribune.com.pk/story/2436373/ink-and-anguish-the-psychological-struggles-of-baloch-journalists

warnings against his reporting (see also CPJ, 2 May 2023; RFE/RL, 3 May 2023). In May 2023, Imran Riaz Khan, a TV anchor and YouTuber, was detained by state authorities at Sialkot airport under allegations of posing a threat to law and order. He was released more than four months later, and after several warnings and orders were issued by the Lahore High Court (see also Al Jazeera, 25 September 2023). Jahangir Hayat allegedly faced a raid and physical assault by police in May 2023. During the raid, no arrest warrants were produced, and the authorities provided no justification for his arrest (CPJ, 24 May 2023). From May 21 to 23, law enforcement officials visited Sarfraz Ahmed Khan's Lahore home at least ten times, conducting multiple searches of the property. Police said an arrest warrant was issued under the Anti-Terrorism Act (CPJ, 24 May 2023). Sami Abraham was abducted by unidentified men on 24 May, returning home on 30 May 2023 (see also The Express Tribune, 30 May 2023). Zubair Anjum, executive producer for Geo News, was detained by police and plainclothes men in an act described as "state terrorism" by the Karachi Press Club. He was released after 24 hours (see also Geo News, 7 June 2023). In August 2023, Ghulam Asghar Khand, of the Sindhi daily Sobh, was killed by unknown gunmen, after he had allegedly reported on illicit activities before the killing (see also The Express Tribune, 14 August 2023). Journalist Jan Muhammad Mahar was shot several times in August 2023. His family indicated that his work regarding the situation of poor people displeased influential local figures (see also VOA, 14 August 2023). In November and December (Dawn, 19 December 2023), law enforcement authorities reported the apprehension of suspects implicated in the killing of Mahar (Dawn, 3 January 2024).

In January 2024, Shoaib Burni, bureau chief for a TV station in Karachi, was reportedly shot in the left arm by unidentified motorbike gunmen in the city's Lucky One area. Khan suggested to CPJ that the attack was deliberate, with unclear motives. Police investigations were underway, with initial signs pointing to a targeted assault on Burni, "known for his balanced reporting" (CPJ, 19 January 2024).

In March 2024, CIVICUS mentions a "systematic crackdown on civic freedoms" in the lead up to the February 2024 elections, including "the targeting of journalists" (CIVICUS, 5 March 2024).

5.3 Harassment of civil society

In a July 2023 statement at the UN Human Rights Council regarding the adoption of the UPR report of Pakistan, the NGOs Asia Legal Resource Centre, Aware Girls and CIVICUS mention that despite commitments, made by the government, "space for civil society has continued to come under attack in recent years" (CIVICUS et al., 10 July 2023). In July 2022, Rabia Mehmood, the co-founder of news outlet Naya Daur TV and former South Asia Researcher for Amnesty International, says that Pakistan's record regarding the freedoms of expression, peaceful assembly, and association "has been murky for decades". She further notes that activists and civil society organisations have long been accused of being foreign agents supported by forces hostile to Pakistan. According to her, the struggle to protect media freedom and civic space is not new in Pakistan.

She explains that Pakistan has experienced one of the most restrictive times in the country's history, beginning with the run-up to the July 2018 elections. During the Khan administration, civil rights movements (such as the Pashtun Tahafuz Movement (Pashtun Protection Movement, PTM)) faced a discriminating crackdown and their freedoms of expression, peaceful assembly, and movement have all been repeatedly infringed upon, both online and offline. The ousting of Khan "has given slight breathing space" to Pakistan's repressed civil society.

According to Rabia Mehmood, "the difference could be that reprisals can be documented in the press, by domestic rights monitors and be televised, with less fear. But this is only relative, as red lines for both the media and civil society still exist" (CIVICUS, 29 July 2022). In March 2024, CIVICUS reports that the Pashtun Tahafuz Movement (PTM) "continued to face crackdowns, with leaders like Ali Wazir and Manzoor Pashteen arrested on various trumped up charges". According to the source, authorities made efforts to limit PTM protests and resorted to using "excessive force and firearms against its members" (CIVICUS, 5 March 2024).
In August 2023, the Heinrich Böll Foundation reports on regulations limiting the operations of civil society organisations. An October 2022 survey[40] to assess the range of obstacles that CSOs encounter due to prevailing legal and regulatory frameworks found that the civil society sector was under a great deal of stress following the adoption of new legislation. More than 20,000 NGOs and community-based organisations were deregistered in the country in recent years due to overlapping policies and compliance requirements overburdening the civil society sector, Zia ur Rehman, the chief executive of the Awaz Centre for Development Service (Awaz-CDS) told the Heinrich Böll Foundation. Over 60 percent of NGOs faced challenges in obtaining permissions to implement their development interventions, while over 81 percent of NGO representatives faced challenges in opening bank accounts for their projects. In Khyber Pakhtunkhwa province, around 5,000 registered NPOs were in operation before 2019, with 1,200 remaining, as of August 2023. According to the Heinrich Böll Foundation, an anonymous official from the Social Welfare Department mentioned that most non-profit organizations closed due to non-compliance are in rural areas, with the main reason being a lack of understanding and capacity for strict regulations. The official explained that the closure of thousands of NPOs has led to the closure of numerous orphanages, widows' caring centres, and skill development centres for youth and labourers (Heinrich Böll Foundation, 4 August 2023). Similarly, regarding policies restricting the freedom of international NGOs (INGOs) and domestic NGOs (see section 5.1.2), the USDOS notes that "[t]here was a lack of transparency and unpredictability of the INGO registration process" (USDOS, 20 March 2023, section 2a). Freedom House notes that foreign and domestic NGOs "are subject to intrusive registration requirements and vetting by military intelligence" (Freedom House, 2023, section E2). The Ministry of Interior was under-resourced in terms of trained personnel and finances, hindering its ability to process manual registration applications in a timely manner. Delays in government approval of requests and applications significantly limited the operations of INGOs (USDOS, 20 March 2023, section 2a).

Please also see the section titled "News and Additional Resources" on ICNL's website for news regarding the not-for profit sector and civil society organizations (CSOs):

- ICNL - International Center for Not-for-Profit Law: Civic Freedom Monitor, Pakistan, last updated 26 February 2024
  https://www.icnl.org/resources/civic-freedom-monitor/pakistan

[40] Awaz CDS & PDA - Awaz Centre for Development Service & Pakistan Development Alliance: Civil Society Under Stress; Reclaiming Civic Rights and Spaces Challenges & Way Forward, undated, https://docs.google.com/presentation/d/1DIqDZ7Yb1xvGvfa-VQEYxz7I2scEBmGo/edit?pli=1#slide=id.p6

5.4 Situation of members of the political opposition

Please also see section 2 for background information on the ouster of former Prime Minister Khan and developments in the run-up to the February 2024 elections, and section 5.5 for information on the treatment of (opposition) protesters.

Following violent confrontations between the police and members of the Pakistan Tehreek-e-Insaf (PTI)[41] outside an Islamabad courthouse on 18 March 2023, numerous PTI members, including Imran Khan, have faced charges related to terrorism, criminal intimidation, rioting, and attacking government officials. The violence broke out as Khan was due to appear in court on corruption charges, resulting in injuries to numerous police officers and others, as well as the burning of several vehicles and a police checkpoint. In response, the police have detained close to 200 PTI members for their involvement in "arson, vandalism and the attacks on police" (HRW, 21 March 2023). On 9 May 2023, Imran Khan was detained outside the Islamabad High Court related to a corruption case (see also Al Jazeera, 9 May 2023). Dawn reports that his arrest sparked widespread violent demonstrations across the country, including assaults on military facilities. Despite being granted bail, Khan faces a series of additional cases. In the aftermath, the state initiated a crackdown on his party, resulting in the arrest of many of its leaders and members. According to the article, the state essentially left party leaders with one option for release: publicly disavow the PTI and blame Imran Khan for the violence on 9 May during a press conference. Within a few months, almost all key figures in the party's leadership had left the PTI (Dawn, 31 January 2024). Regarding the May 2023 incidents, HRW notes the following:

> "Pakistani police have carried out mass arrests and detained more than 4,000 people in the wake of protests over the arrest of former Prime Minister Imran Khan, including members of the political opposition, Human Rights Watch said today. Police have arbitrarily detained many opposition political party members as well as people appropriately arrested for engaging in violence. Many have been charged under vague and overbroad laws prohibiting rioting and creating threats to public order. […] On May 17, police arrested two former parliament members, Shireen Mazari and Maleeka Bukhari." (HRW, 20 May 2023)

In May 2023 Amnesty International, Equidem, CIVICUS and Asian Forum for Human Rights and Development released the following joint statement, urging the government to end the crackdown on the political opposition. The statement also provides details on the detention of Shireen Mazari, the former Minister of Human Rights:

> "A pall of fear hangs over Khan's supporters following the arbitrary arrests of many opposition leaders, some of whom have been re-arrested outside the jail after being released and others from the court premises themselves. People's homes have been raided in the middle of the night, where people who participated in the protests have been arrested without a warrant. Alarmingly, Imran Riaz Khan, a prominent journalist known for his support of the PTI was arrested at the Sialkot airport on 11 May and has not been heard

[41] The political party of former Prime Minister Imran Khan (Encyclopaedia Britannica, last updated 1 April 2024).

> from since. Despite court orders, police have failed to produce him and his fate and whereabouts remain unknown. […] Former Minister of Human Rights Dr Shireen Mazari was arrested on May 17, and minutes after being released on the orders of the Islamabad High Court, was re-arrested under fresh charges. Her lawyer says that Dr Mazari requires immediate medical attention owing to her health condition. On May 22, the Lahore High Court ordered her immediate release, but she was detained again for the fourth time. We call upon authorities to release her, unless she has been charged with a legally cognizable offence, and ensure access to medical care without delay." (Amnesty International et al., 23 May 2023, pp. 1-2)

In February 2024, the UN Office of the High Commissioner for Human Rights (OHCHR) mentions concerns regarding the "harassment, arrests and prolonged detentions of leaders of the Pakistan Tehreek-e-Insaf (PTI) party and their supporters which has continued during the election period" (OHCHR, 6 February 2024). In March 2024, CIVICUS placed Pakistan on its watchlist due to the country's swift deterioration in civic freedoms. The organisation further explains:

> "Leading up to the elections on 8 February 2024 a crackdown on opposition voices was documented. Former Prime Minister Imran Khan of the Pakistan Tehreek-e-Insaf (PTI) was barred from running, and PTI candidates faced significant obstacles, including the rejection of nomination papers. Hundreds of opposition members were detained in the months leading up to the election, with some charged under vague laws and tried in military courts, contrary to international law." (CIVICUS, 5 March 2024)

In its human rights report covering 2022 the USDOS writes that in Balochistan "there were reports security agencies and separatist groups harassed local political organizations, such as the Balochistan National Party and the Baloch Students Organization" (USDOS, 20 March 2023, section 3). In January 2024, Dawn reports that "Balochistan National Party-Mengal (BNP-M) President Sardar Akhtar Mengal has alleged that obstacles were created to keep the party out of elections by rejecting a significant number of its candidates' nomination papers" (Dawn, 21 January 2024b).

In February 2024, political activist Hidayatullah Lohar was shot dead by two attackers on a motorbike in Nasirabad, Sindh province. According to HRCP, "the murder was most likely a targeted killing linked to Lohar's nationalist activism, on account of which he had been forcibly disappeared twice" (HRCP, 25 March 2024).

5.5 Treatment of protestors

According to the Constitution "[e]very citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order" (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 16). In its human rights report covering 2022, the USDOS states that "the government restricted these rights" (USDOS, 20 March 2023, section 2b). Similarly, in August 2023, the Human Rights Commission of Pakistan (HRCP) and the International Federation for Human Rights (FIDH) mention that the right to freedom of peaceful assembly "has been significantly restricted by the authorities". The authorities frequently engage in the harassment, detention, and incarceration of dissenters and political opponents involved in

peaceful assemblies. Demonstrations were in many cases broken up by force, with journalists and other individuals facing physical assaults (HRCP & FIDH, 14 August 2023, p. 2).
In its human rights report covering 2022, the USDOS writes that security agencies kept up their practice of arresting, detaining, and bringing charges against leaders of the human rights organization Pashtun Protection Movement (Pashtun Tahafuz Movement, PTM), related to demonstrations and speeches. Throughout 2022, an increase in rallies and peaceful sit-ins was observed in the merged districts, such as South and North Waziristan, as well as in areas of Khyber Pakhtunkhwa. (USDOS, 20 March 2023, section 2b).
Regarding the situation in 2022, Amnesty International mentions that by forcibly dispersing demonstrations, the government severely restricted the right to freedom of peaceful assembly. The Organisation further reports:

> "Supporters of ousted prime minister Imran Khan launched nationwide protests. Some turned violent; in Islamabad, protesters threw stones at the police, set fire to trees and damaged vehicles. Some protests were met with excessive force. On 25 May [2022], police fired tear gas shells into peaceful protests in Lahore." (Amnesty International, 27 March 2023)

Reportedly two individuals died, and security forces detained thousands of participants (USDOS, 20 March 2023, section 3). The demonstrations persisted for several months, driven by PTI's call for snap elections. On 3 November 2022, amid a protest march from Lahore to Islamabad, Imran Khan escaped what appeared to be an assassination attempt (Amnesty International, 27 March 2023).
As mentioned in section 5.4, following violent confrontations between police and members of Imran Khan's party, Pakistan Tehreek-e-Insaf (PTI), outside an Islamabad courthouse on 18 March 2023, numerous individuals including Khan have been indicted on charges related to terrorism, criminal intimidation, rioting, and attacking government officials (HRW, 21 March 2023). In May 2023, Khan was arrested by Pakistan's anti-corruption agency (Reuters, 9 May 2023; ACLED, 1 February 2024). This led to the widespread mobilization of supporters of the PTI who staged protests in numerous locations nationwide (ACLED, 1 February 2024). According to HRW, supporters of Khan across the nation have resorted to using rocks, Molotov cocktails, and, on rare occasions, assault rifles to confront police, in addition to setting on fire ambulances, police cars, and schools, leading to property damage. In retaliation, police forces have employed tear gas, rubber bullets, and baton charges against the demonstrators (HRW, 11 May 2023). ACLED notes that the May 2023 protests saw at least 11 fatalities due to police confrontations, marking a rare instance of such lethal force employed against political activists in Pakistan (ACLED, 1 February 2024). In March 2024, CIVICUS provides the following overview on arrests of protesters around the February 2024 election:

> "On 28th January 2024, police fired tear gas to disperse supporters of the PTI party in the southern city of Karachi. A reporter at the scene saw between 20 and 30 people getting arrested at the rally. Senior police superintendent Sajid Siddozai said workers of the PTI party organised the rally without obtaining permission from authorities and blocked the road. Police on 24th February 2024 detained dozens of political workers in Karachi who staged protests outside the provincial assembly in the southern Sindh Province against alleged fraud in the general elections. Protesters had gathered in front of the assembly

> building ahead of the swearing-in of newly elected members. The police also baton-charged the protesters. Sindh's provincial government invoked Section 144 of the criminal code on 23rd February in anticipation of the protest, citing concerns about security and order. The police in the Punjab province of Pakistan arrested over 100 supporters of Imran Khan's party on 3rd March 2024 for staging rallies against alleged rigging of votes during elections. The arrests were made in different parts of the province, most of them in Lahore, where the newly-elected Chief Minister of Punjab, Maryam Nawaz, ordered a crackdown on the protesting PTI supporters. According to a PTI spokesperson, 80 party workers were arrested. Police also baton-charged protesters at GPO [General Post Office] Chowk and Liberty Chowk. On 10th March 2024, the police launched a brutal attack on PTI supporters, arresting more than 100 of its members during countrywide protests over alleged rigging in the general election. As PTI members and supporters rallied, raising slogans against the government and calling for its dismissal in Lahore, multiple videos on social media showed police officers attacking the protesters with sticks and shoving people into police vehicles. One video showed a bearded man holding a PTI flag being dragged out of his car. A large crowd gathered around his vehicle, forcing the police to let the man go. Another video showed a PTI leader being pulled inside a police vehicle as he continued to raise slogans. In Punjab on the same day, protests were met with heavy-handed measures, resulting in the detention of scores of PTI workers and leaders. Similar arrests were also reported in other cities, including Gujranwala and Multan. Some PTI leaders and activists have remained in jail for nearly ten months after they were arrested at mass protests in May 2023 and accused of committing multiple offences." (CIVICUS, 25 March 2024)

In November 2023, protests erupted in Turbat, southwestern Balochistan (Arab News, 25 November 2023) in response to the killing of Balaach Mola Baksh, a 24-year-old man from Balochistan, and three others on 23 October 2023 by the Counter-Terrorism Department. Hundreds of women participated in the "Baloch Long March" from Turbat in Balochistan to Islamabad, protesting against supposed extrajudicial executions (see also Dawn, 9 January 2024). According to Amnesty International, the Pakistani authorities have launched a disinformation campaign against the protesters, along with subjecting them to repeated harassment, arbitrary arrests, and detentions (Amnesty International, 24 January 2024). In January 2024, The New Humanitarian (TNH) provides an overview of the protests:

> "As the marchers tried to enter Islamabad on 20 December, they were blocked and began a sit-in at Tarnol, three miles from the capital. Hundreds were then arrested in a police crackdown, which saw demonstrators tear-gassed and baton-charged, and water cannons used to disperse them. Of the 283 detained, 52 were women and children – mostly relatives of the missing, […]. After being detained for a day, the women were released on the directives of the Islamabad High Court before a failed attempt to 'deport' them back to Balochistan. The sit-in has been allowed to continue since outside the National Press Club in the centre of Islamabad." (TNH, 22 January 2024)

On 23 January 2024 the protesters ended their sit-in in the capital (Baloch, 8 February 2024). In its annual report covering 2022, Amnesty International mentions the following regarding incidents in Karachi:

> "Activists and families of people forcibly disappeared held peaceful protests which were largely met with unlawful use of force, intimidation or arbitrary detention. On 13 June, the police used unlawful force to disperse protesters outside the Sindh Assembly in Karachi. One video of the incident showed uniformed police officers, some holding sticks, approaching sitting protesters. The police proceeded to violently grab men and women and drag them along the ground, before throwing or forcing protesters into police vehicles." (Amnesty International, 27 March 2023)

6 Freedom of religion

6.1 Blasphemy and other laws

The country's blasphemy law was first introduced by British colonial authorities (BBC, 17 August 2023 (a); TNH, 4 October 2023). Enacted in 1860, that law "made it a crime to disturb a religious assembly, trespass on burial grounds, insult religious beliefs or intentionally destroy or defile a place or an object of worship" and made these offenses "punishable by up to 10 years in jail", according to the BBC (BBC, 31 October 2018). These provisions were applicable to all religions equally (HRCP, June 2019, p. 11). In 1947, the law was adopted into the country's Penal Code. In the 1980s, harsher punishments for insulting Islam were introduced by General Muhammad Zia ul-Haq:

> "This law was adopted into Pakistan's Penal Code in 1947 and later strengthened under the rule of General Muhammad Zia ul-Haq in the 1980s to punish anyone who insults Islam, with harsh penalties that can include a death sentence or imprisonment for life. Individuals can be charged with blasphemy for using derogatory remarks against Muslim holy personages (Section 295-A), defiling or desecrating the Qur'an (Section 295-B), or insulting the Prophet Muhammad (Section 295-C)." (USCIRF, December 2023, pp. 1-2)

The International Commission of Jurists (ICJ) notes in a report of July 2021 that the Constitution grants certain rights to religious minorities but protects the "Islamic way of life" (ICJ, July 2021, p. 6), recognizes the special status of Islam, and requires all laws to be in accordance with the provisions of Islam:

> "Article 31 of the 1973 Constitution, among other provisions, recognizes the special status of Islam and places a duty on the State to actively enable Muslims to live their lives according to the injunctions of Islam by stipulating that the State shall take steps 'to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.' Furthermore, Article 227 states that all existing laws shall be brought in conformity with the 'Injunctions of Islam as laid down in the Holy Quran and Sunnah', and that 'no law shall be enacted which is repugnant to such Injunctions.'" (ICJ, July 2021, p. 6; see also Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Articles 31 and 227)

The USDOS explains in its annual report on religious freedom for the year 2022 that the Constitution provides for the establishment of a Federal Shariat Court (FSC), which has the power, on its own initiative or on the request of a third party, to examine and decide whether a law is "repugnant to the Injunctions of Islam", and to review certain criminal cases decided by lower courts (USDOS, 15 May 2023, section II; see also Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Articles 203A to 203J).

Article 19 of the Constitution grants freedom of speech and expression to individuals and provides for press freedom, "subject to any reasonable restrictions imposed by law in the interest of the glory of Islam", among other reasons (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 19).

In 1991 the Federal Shariat Court (FSC) decided that the punishment of life imprisonment for the offense of insulting the Prophet Muhammad (Section 295C of the Penal Code) was "repugnant to the injunctions of Islam" and that this offense had to be punished with death in all cases (Library of Congress, 14 February 2023; see also HRW, 19 September 1991). While courts continue to hand down death sentences for blasphemy, the government has never executed anyone for blasphemy, according to the USDOS (USDOS, 15 May 2023, Executive Summary).

In January 2023, the National Assembly voted in favour of the Criminal Laws Amendment Act 2023, which foresees higher penalties for disrespecting sacred persons, including Prophet Muhammad's wives, family, and companions and the four caliphs (Library of Congress, 14 February 2023; HRCP, 20 January 2023). The amendment proposes changes to Section 298A of the Penal Code and to Schedule II of the Code of Criminal Procedure (National Assembly, undated) and foresees a non-bailable minimum penalty of 10 years, which, according to the Human Rights Commission of Pakistan (HRCP), constitutes a breach of the right to personal liberty granted by Article 9 of the Constitution (HRCP, 20 January 2023). The Act was passed by the Senate in August 2023 (Dawn, 8 August 2023), but as of December 2023 seems not to have been signed into law by the president (USCIRF, December 2023, p. 2).

Following the National Assembly's vote, the Human Rights Commission of Pakistan (HRCP) expressed concern about potential misuse of the law and of blasphemy allegations in general, especially with regard to religious minorities:

> "While the stated aim of this bill is to curb sectarianism, HRCP believes it is likely to exacerbate the persecution of Pakistan's beleaguered religious minorities and minority sects. […]
>
> Given Pakistan's troubled record of the misuse of such laws, these amendments are likely to be weaponised disproportionately against religious minorities and sects, resulting in false FIRs [First Information Report], harassment and persecution. Moreover, increasing the penalty for alleged blasphemy will aggravate misuse of the law to settle personal vendettas, as is often the case with blasphemy allegations." (HRCP, 20 January 2023; for an analysis of the law, see HRCP, March 2023)

Similar concerns were expressed by four United Nations (UN) Special Procedures mandate-holders[42] in a communication to the prime minister in April 2023:

> "We are deeply concerned about the rising pattern of violence relating to accusations of blasphemy targeting religious minorities and other minority groups by mob attacks and killings. […]
>
> Moreover, we are concerned that the existence of blasphemy laws may encourage vigilante violence. As blasphemy accusations are often used to legitimise attacks through

[42] UN Special Procedures mandate-holders are "independent human rights experts with mandates to report and advice on human rights from a thematic or country-specific perspective". These independent experts are acting under the title/mandate of Special Rapporteur, Independent Expert or as member of a (thematic) Working Group (OHCHR, undated).

> social mobilization by non-state actors to settle personal or political disputes." (UN Special Procedures mandate-holders, 14 April 2023, p. 3)

Similarly, HRW, Radio Free Europe/Radio Liberty (RFE/RL) and the 2022 report on Human Rights and Democracy by the United Kingdom's Foreign, Commonwealth and Development Office (FCDO) point to violence against religious minorities due to accusations of blasphemy (HRW, 11 January 2024; RFE/RL, 16 August 2023; FCDO, July 2023, p. 71). BBC quotes a researcher saying that religion-motivated violence had increased since the death penalty for blasphemy had been introduced (BBC, 17 August 2023 (a)). Freedom House notes that religious minorities continue to face persecution despite constitutionally guaranteed religious freedom:

> "Constitutional religious-freedom guarantees have not provided effective safeguards against discriminatory legislation, social prejudice, and sectarian violence. Members of the Shia sect, Christians, and other religious minorities can face blasphemy accusations that arise from trivial disputes and escalate to criminal prosecution and mob violence." (Freedom House, 2023, section D2)

In June 2023, the government reportedly gave in to demands of the Islamist political party Tehreek-i-Labbaik Pakistan (TLP) and signed an agreement with the TLP that stipulates that those charged with blasphemy under Section 295C of the Pakistan Penal Code can be tried under the Anti-Terrorism Act (ATA), too. The Morning Star News explains that in order to implement, the ATA needs to be amended accordingly through parliament. As of June 2023, work on draft amendments for that purpose reportedly have begun (Morning Star News, 28 June 2023). No information could be found as to whether the changes have been implemented until now.

There are no exact figures available on blasphemy cases: At least 171 persons have reportedly been accused of blasphemy in 2022, the majority of them in Punjab (65 percent of cases) and Sindh (19 percent) provinces, according to data collected from media and other sources by the Centre for Social Justice (CSJ), a Lahore-based civil society organisation. The CSJ notes, however, that the actual number might be higher, considering unreported and unverified cases (CSJ, March 2023, p. 7). The USDOS writes that according to civil society representatives, at least 52 persons have been charged with blasphemy or other religion-related crimes in 2022, including "at least two Christians, one Hindu, and 49 Ahmadis", and "an unknown number of Sunni and Shia Muslims" (USDOS, 15 May 2023, section II). According to the Human Rights Commission of Pakistan (HRCP), 35 cases of blasphemy have been recorded by the police in 2022 (HRCP, 2023, p. 22). Dawn explains that as of October 2023, a total of 179 persons were held in detention on blasphemy charges, according to information provided by the National Human Rights Commission of Pakistan (NHRC), a governmental body, in a report to the Senate, and 17 persons have reportedly been convicted up to the date of publication (Dawn, 13 October 2023). As of the time of writing, figures for 2023 are not yet available.

In 2022, four people were sentenced to death on blasphemy charges, according to The Advocates for Human Rights and other organisations in a joint submission to the United Nations Human Rights Committee, including, among others, a woman for allegedly sharing blasphemous material on WhatsApp. The women claimed to have been led into a religious discussion by the accuser because she refused his advances (The Advocates for Human Rights et al., 18 August 2023, p. 7). The HRCP notes that "[w]orryingly, this method of inveigling social

media users into sharing potentially blasphemous content appears to be an increasingly common pattern" (HRCP, 7 February 2023, p. 11).

Four people have reportedly been "extra-judicially killed" in 2022 over allegations of blasphemy (CSJ, March 2023, p. 7). Among the victims were a mentally ill man (VOA, 13 February 2022; Al Jazeera, 13 February 2022) and a female Madrassa teacher (The Express Tribune, 29 March 2022; RFE/RL, 31 March 2022). In December 2021, a Sri Lankan factory manager had been killed by a mob for allegedly removing a poster with Quranic verses from the factory building (HRCP, 7 February 2023, p. 10). In August 2023, a mob attacked Christian churches and homes in Jaranwala, Punjab province, following allegations of blasphemy against two Christian men (Amnesty International, 16 August 2023; see also below, section 6.3.3). In the same month and following similar allegations, a teacher was shot and killed in Turbat (Balochistan province) (Amnesty International, 16 August 2023; Dawn, 7 August 2023). Earlier that year, in February 2023, a mob reportedly stormed a police station in Nankana Sahib, Punjab province, where a Muslim man who had been accused of desecrating the Quran had been taken in custody. The man was dragged out and lynched by the mob (Arab News, 11 February 2023; see also Amnesty International, 16 August 2023). A Muslim cleric and PTI supporter was reportedly killed in May 2023 in Mardan district, Khyber-Pakthunkhwa province, during a rally by his party's supporters who were angered over his allegedly blasphemous speech (The Express Tribune, 7 May 2023).

The USCIRF points to blasphemy charges in the context of online activities:

> "Under the current legislation, as well as the Prevention of Electronic Crimes Act, Pakistanis, including children, the mentally ill, and the elderly, have been charged with blasphemy. Alleged blasphemous actions include sending or proliferating text messages deemed insulting to the Prophet Muhammad, as well as sharing, liking, or writing posts on social media considered insulting to Islam. Individuals are often accused of damaging or harming the Qur'an or other Islamic texts." (USCIRF, December 2023, p. 2)

The Pakistan Telecommunications Authority (PTA) has been responsible for managing internet content since March 2015, further empowered by the Prevention of Electronic Crimes Act 2016 (PECA) and the Removal and the Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2021 (Freedom House, 4 October 2023, section A5). These rules grant the PTA - in accordance with Section 37 of the PECA - the right to block and delete internet content deemed offensive under the country's Penal Code, including, among others, blasphemy, although without explicitly defining this or any other of the terms, according to Freedom House (Freedom House, 4 October 2023, section B3).

Under existing legislation, the Ministry of Religious Affairs and Interfaith Harmony (MORA) is responsible for monitoring internet traffic and informing the PTA about any content deemed blasphemous (USCIRF, December 2023, p. 2). For that purpose, a Web Evaluation Cell has been established in the MORA in 2015 (MORA, 27 December 2023, p. 68), and reportedly been reactivated in 2022 (Freedom House, 4 October 2023, section C3; Pakistan Today, 4 December 2022). No information could be found as to whether it had been suspended in the meantime.

According to Freedom House, Meta (Facebook) and Google both removed content on request of the Pakistani authorities for violating local law related to blasphemy or religious offenses (Freedom House, 4 October 2023, section B2). Moreover, a special unit of the Federal Investigation Agency (FIA) was established in 2022 to investigate blasphemy allegations online

and on social media as cybercrimes (USDOS, 15 May 2023, section II), reportedly also in collaboration with some religious groups (Freedom House, 4 October 2023, section C3).

6.2 Forced conversions

According to the CSJ, at least 124 incidents of "questionable conversions involving girls/women from minority communities" have been reported in 2022, including 81 Hindu, 42 Christian and one Sikh. 23 percent of the girls were reportedly under the age of 14 years and 36 percent were between 14 and 18 years old. The CSJ notes that only 12 percent were adults and in 28 percent of the cases, the victim's age was not reported. The majority of cases was reported from the provinces of Sindh (65 percent) and Punjab (33 percent) (CSJ, March 2023, p. 4). Moreover, the CSJ explains that there is no legal definition of the term "forced conversion", but that according to Section 498B of the Pakistan Penal Code, forced marriage with a non-Muslim woman is prohibited and punishable with imprisonment between five and ten years and a fine of up to one million rupees (USD 3,589[43]). However, the CSJ states, there have been no investigations into complaints of forced conversions since the introduction of this provision into the Penal Code in 2017 (CSJ, March 2023, p. 3; see also Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 498B).

The HRCP notes in a report on the freedom of religion or belief covering the period July 2021 to June 2022 that most of forced conversions took place in Sindh and Punjab provinces, with Christian and Hindu communities particularly vulnerable:

> "HRCP has often observed, forced conversions occur disproportionately among young (even underage) girls from low-income families in the Hindu and Christian communities, their vulnerability compounded by their gender and class. The bulk of forced conversions occur in Punjab and Sindh, which account for a larger population of Hindu and Christian households. Many such cases follow a similar pattern—a minor girl from either the Hindu or Christian community abducted and coerced into converting to Islam, often followed by a marriage sans consent to her assailant or captor, one that she is too young or too vulnerable to fully understand the implications of." (HRCP, 7 February 2023, p. 8)

More recent data was not available within the reporting period for this report.

A bill drafted by the Ministry of Human Rights to prevent forced conversions was reportedly opposed by the Ministry of Religious Affairs and eventually rejected by the Senate parliamentary committee on minorities' rights in October 2021 (HRCP, 7 February 2023, p. 9; Dawn, 13 October 2021).

[43] All currency calculations in this report are based on the exchange rate from European Commission, Exchange rate (InforEuro), undated, https://commission.europa.eu/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_de, accessed 27 February 2024

6.3 Targeting of religious minorities

6.3.1 Ahmadis

According to the 2017 census, 0.09 percent of the population (191,737 persons) are Ahmadi Muslims (PBS, 12 April 2021, p. 78). The USDOS notes, however, that members of the community estimate the number at around 500,000 to 600,000 (USDOS, 15 May 2023, section I; see also Al Jazeera, 27 September 2023). Al Jazeera explains that a large Ahmadi community is living in the city of Chenab Nagar (previously known as Rabwah) in Punjab province. More than 90 percent of the city's almost 80,000 inhabitants are Ahmadi Muslims (Al Jazeera, 6 February 2024).

The Ahmadiyya Movement was founded by the Islamic cleric Mirza Ghulam Ahmad in British India in 1891, when he declared himself a prophet and the messiah (mahdi) awaited by Muslims. After his successor's death, the movement split in two factions: one recognizing Ahmad as the messiah, known as the Ahmadiyya Movement in Islam, and the other, the Lahore Ahmadiyya Movement, that views him merely as a reformer, in line with the broader Islamic view of Muhammad as the final prophet. In Pakistan, the Ahmadiyya movement is widely considered heterodox by Sunni and Shi'a Muslims and was legally declared a non-Muslim minority in 1974, with constitutional amendments in 1973 explicitly barring Ahmadis from the presidency (Harvard Divinity School, undated), as stipulated in Article 41(2) of the Constitution (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 41(2)).

According to the Constitution, a "Muslim" is a person who believes "in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad" and a "non-Muslim" is "a person belonging to the Christian, Hindu, Sikh, Budhist or Parsi community, a person of the Quadiani[44] group or the Lahori group (who call themselves 'Ahmadis' or by any other name), or a Bahai, and a person belonging to any of the scheduled castes" (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 260(3)).

The USDOS explains that not only the Constitution but also the country's Penal Code contains provisions directed against the Ahmadi community, as it criminalises certain features of the Ahmadi's faith and their self-identification as Muslims:

> "According to the constitution and the penal code, Ahmadis may not call themselves Muslims or assert they are adherents of Islam. The penal code bans them from 'posing as Muslims,' using Islamic terms, carrying out Islamic customs, preaching or propagating their religious beliefs, proselytizing, or 'insulting the religious feelings of Muslims.' The punishment for violating these provisions is imprisonment for up to three years and a fine, the amount of which is at the discretion of the sentencing judge." (USDOS, 15 May 2023, section II; see also HRW, 11 January 2024).

[44] Al Jazeera explains that the term refers to the town in today's India where the Ahmadi movement originated, and that the community perceives the term as derogatory (Al Jazeera, 6 February 2024).

The USCIRF notes that these provisions were introduced into the Penal Code by President Zia ul-Haq in 1984 (USCIRF, December 2023, p. 4; see also Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Sections 298A-298C).
The HRCP points to a ruling by the Supreme Court of March 2022 on the misuse of blasphemy laws against members of the Ahmadi community:

> "In a significant ruling regarding the misuse of blasphemy laws against the persecuted Ahmadiyya community, the Supreme Court stated in March that to 'deprive a non-Muslim (minority) of our country from holding his religious beliefs, to obstruct him from professing and practicing his religion within the four walls of his place of worship is against the grain of our democratic Constitution and repugnant to the spirit and character of our Islamic Republic'. The court held that, even though the Constitution declared Ahmadis non-Muslims, it did not disown them as citizens nor deprive them of fundamental rights. It observed that employing Sections 295-B[45] and C[46] had to be corroborated by hard evidence reflecting ill intent, and that the mere reading of Quranic verses by a non-Muslim/Ahmadi would not automatically constitute a punishable offence, as had transpired in the case before it." (HRCP, 2023, pp. 160-161)

Several sources note that also the country's electoral laws impose discriminatory conditions on the Ahmadis, including HRW (HRW, 8 December 2023), Al Jazeera (Al Jazeera, 6 February 2024), Voicepk.net, a Pakistani online platform focused on human rights (Voicepk.net, 4 February 2024) and the USODS:

> "The government requires voters to state their religion when registering to vote. To vote, Ahmadi Muslims are required to either swear the Prophet Muhammad was the final prophet of Islam and denounce the Ahmadi movement's founder or declare themselves as non-Muslims. Ahmadis consider themselves Muslims, and many were unable to vote because they did not comply with this requirement." (USDOS, 20 March 2023, section 3)

Al Jazeera explains that in 1985, President Zia ul-Haq had introduced separate voters lists for the different religious communities in the country. These lists had been abolished and replaced by a unified list for all voters in 2002, except for Ahmadis, who were registered in a separate list and referred to as "Qadianis" (Al Jazeera, 6 February 2024). Voicepk.net notes that following another reform of the election laws in 2017, Ahmadis were placed on joint lists together with all other voters. Due to protests by "hardliners", however, the laws were amended again and Articles 7B and 7C were included into the Election Act of 2017, according to Voicepk.net (Voicepk.net, 4 April 2024). Article 7B confirms that the status of the Ahmadis remains unchanged as provided in the Constitution [that is, they are considered "non-Muslims] and Article 7C stipulates that if a voter registers as a Muslim and an objection is raised that such a voter is not a Muslim, the voter has to either sign a declaration denouncing his/her Ahmadi

[45] The offence of damaging, defiling, or desecrating a copy of the Holy Quran (Pakistan Penal Code, Act No. XLV of 1860, 6 October 1860, with amendments up to 18 July 2023).

[46] The offence of insulting or defiling the name of Prophet Muhammad (Pakistan Penal Code, Act No. XLV of 1860, 6 October 1860, with amendments up to 18 July 2023).

faith or he/she will be registered in a separate list as a non-Muslim (Elections Act, 2 October 2017, with amendments up to 5 August 2023, Article 48A; see also HRW, 8 December 2023). Therefore, most Ahmadis do not participate in elections rather than risk having to deny their faith, according to HRW. Moreover, there is the fear that a separate list with all contact details of registered Ahmadi voters might make them a target for violent attacks by militant Islamist groups (HRW, 8 December 2023; see also Voicepk.net, 4 February 2024).

The USCRIF notes that citizens also have to state their religion when applying for official documents, including passports, birth certificates, and national identification cards (USCIRF, December 2023, p. 4). Ahmadis must sign a declaration that the Prophet Muhammad is the final prophet, thereby denouncing their faith. The USDOS explains that according to representatives of the movement, officials wrote the term "Ahmadi" in their passports in case they refused to comply (USDOS, 20 March 2023, section 2d). In July 2022, the government of Punjab province included a mandatory declaration of belief in the finality of the Prophethood (Khatam-e-Nabuwat) in the marriage registration certificate form (HRCP, 2023, p. 41; see also Freedom House, 2023, section D2), which was "especially discriminatory towards Ahmadis", as Amnesty International notes (Amnesty International, 27 March 2023). Ahmadis remain excluded from being part of the National Commission for Minorities within the Ministry of Religious Affairs (USDOS, 15 May 2023, Executive Summary), unless they accept doing so under a "non-Muslim status" (HRCP, 7 February 2023, p. 5).

In 2023, the District Bar Council of Gujranwala in Punjab province published an announcement that all lawyers seeking admission to the bar have to condemn the founder of the Ahmadiyya Muslim Community Mirza Ghulam Ahed Qadiani and declare that Ahmadis are not Muslims (USCIRF, December 2023, p. 4). A similar notice was reportedly issued by the Khyber Pakhtunkhwa Bar Council in May 2023 (IBA, 10 August 2023). Similarly, the South Asia Collective, a group of South Asia-based human rights organisations, notes that "the Islamabad Bar Council's form for enrolment as an advocate requires a declaration on the finality of prophethood from fresh law graduates" (The South Asia Collective, February 2023, p. 154). An Ahmadi lawyer was charged under Section 298B of the Pakistan Penal Code for signing a court document using the religious term "Syed" in his name (USCIRF, December 2023, p. 4) and faces up to three years in prison (IBA, 10 August 2023).

Moreover, Ahmadi Muslims are excluded from the five percent hiring quota established for religious minorities for jobs at provincial local and federal government levels (USDOS, 15 May 2023, section II).

The HRCP notes that at least three members of the Ahmadi community had been killed "in faith-based violence" in Punjab province 2022 (HRCP, 2023, p. 31). In July 2022, five Ahmadis were arrested for sacrificing animals at Eid-ul-Adha, "an act only allowed for Muslims" (Amnesty International, 27 March 2023). Moreover, the HRCP points to several cases of desecration of Ahmadi mosques and graves in 2022:

> "92 Ahmadiyya graves and 10 Ahmadiyya worship places were desecrated, and 25 cases were registered against 105 Ahmadis on religious grounds. On 12 December, the Gujranwala district administration razed minarets atop an Ahmadiyya place of worship after receiving complaints from local religious outfits." (HRCP, 2023, p. 23)

Similarly, the USCIRF describes the vandalization of mosques in 2023, noting that in "some instances, police have been complicit by failing to stop perpetrators from vandalizing minarets"

and that some political parties, such as the Tehreek-i-Labbaik Pakistan (TLP), have called for attacks on Ahmadi mosques (USCIRF, December 2023, p. 4). HRW reports an attack on a factory owned by an Ahmadi in Lahore in August 2023 (HRW, 11 January 2024).

6.3.2 Baha'i

The Baha'i religious was founded in 19th century Persia; its basic principle is the belief in the unity of all religions and the unity of humanity (Encyclopaedia Britannica, last updated 13 December 2022).

AsiaNews, a Catholic news agency, reports in August 2022 on a conference organised by the CSJ, where speakers requested the Bureau of Statistics ahead of the upcoming 2022 census to consider counting religious minorities, including Baha'i, separately and not subsuming them under the category of "others". This would, according to speakers of the conference quoted by Asia News, better reflect the country's ethnic and religious diversity and allow for tailored policies (AsiaNews, 6 August 2022; see also CSJ, May 2022, p. 14).

The CSJ notes in a report of May 2022 on census data and minorities that according to the National Database and Registration Authority (NADRA), as of March 2022, there were 14,537 Baha'i registered with the NADRA (CSJ, May 2022, p. 9).

The USDOS explains that the Baha'i community is particularly affected by an existing ban on all citizens to travel to Israel:

> "The government continued to prohibit citizens, regardless of religious affiliation, from traveling to Israel by marking Pakistani passports as 'valid in all countries, except for Israel.' Representatives of the Baha'i community continued to say this policy particularly affected them because the Baha'i World Center – the spiritual and administrative center of the community – is in Haifa, Israel. Christian advocates also called on the government to allow Christians to travel to Israel." (USDOS, 15 May 2023, section II)

The USCIRF states that in March 2022, the Federal Ministry of Education has announced the addition of several of the country's minority religions, including the Baha'i faith, to the religious studies curriculum in the Single National Curriculum (SNC) (USCIRF, August 2022, p. 5). Similarly, the CSJ mentions a decision by the government to replace compulsory Islamic education for religious minorities with the subject of Religious Education, but observes that no province has put the policy into practice within schools to date:

> "Islamic education is a compulsory subject, plus the teaching of the Holy Quran for Grades I-XII of all educational institutions. The Federal government recently approved the subject of Religious Education for minority students as a substitute and notified the curriculum for seven religions i.e. Christianity, Hinduism, Sikhism, and Zoroastrianism (Grades I-X), Baha'i (Grades I to VIII), Kalasha and Buddhism (Grades I to V). In March 2023, the Federal Ministry of Education issued no-objection certificates for publishing textbooks for the subject. However, none of the provinces has implemented the policy decision in schools so far." (CSJ, 14 August 2023, p. 6).

Agenzia Fides, an information service of the Pontifical Mission Societies based in the Vatican, writes in January 2024 that the Federal Ministry of Education and Vocational Training in Pakistan has approved the "Curriculum for Religious Education 2023" for grades 1-12, relevant

for students of officially recognized minority religions, including, among others, the Baha'i. The new curriculum will reportedly be launched with the 2024/2025 school year (Agenzia Fides, 23 January 2024).

6.3.3 Christians

According to the 2017 census, 1.27 percent of the total population is Christian, or 2.64 million people (PBS, 12 April 2021, p. 78). The Christian NGO Open Doors estimates the share of Christians at about 1.8 percent, that is, 4.2 million people (Open Doors, undated).

The majority of Christians are among the poorest of society and often work in menial occupations (CLAAS-UK, 14 August 2023, p. 4). The USDOS explains that the Constitution protects against discrimination based on religious beliefs when selecting candidates for public service positions (USDOS, 15 May 2023, section II; see also Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 27). Moreover, there is a minimum quota of five percent for the employment of religious minority groups at both federal and provincial government levels (USDOS, 15 May 2023, section II). However, the National Commission for Human Rights (NCHR), a governmental body, notes in a report of May 2022 that almost half of the positions reserved for religious minorities are vacant. Moreover, of those religious minorities who were employed, 80 percent worked in low-paid jobs, in particular, as sanitary workers – with a disproportionally high share of Christians working in this profession, as the NCHR states (NCHR, May 2022, pp. 4-5). One of the reasons for this, the NCHR explains, is the fact that job advertisements for public sanitary workers often state that only non-Muslims can apply (NCHR, May 2022, p. 5). Moreover, historically, sanitation work was mostly done by members of the lowest caste of the Hindu caste system, the Dalit. Under British rule, many of them converted to Christianity to "escape" the caste system. The stigma attached to these workers, however, remained even after the foundation of Pakistan as an independent state, and "prejudice has simply transformed to religious rather than caste based discrimination", according to the NCHR (NCHR, May 2022, p. 6). The derogatory term "churha" ("sweeper") is "still casually used as a slur for Christians", according to Al Jazeera, quoting the deputy director of a minority rights organisation (Al Jazeera, 9 April 2023).

According to the USDOS, economically disadvantaged Christians are targeted by traffickers, either especially for forced and bonded labour (USDOS, 20 March 2023, section 7b) or for sending women and girls to the People's Republic of China (PRC) to enter arranged marriages. Once in the PRC, many of them reported having been coerced into commercial sex by their alleged husbands (USDOS, 15 June 2023). Community leaders reportedly are concerned that the authorities do not sufficiently protect vulnerable groups, including Christians, from exploitation (USDOS, 15 May 2023, section II).

The USDOS notes that according to civil society reports, at least four people previously accused of blasphemy, were sentenced to death in 2022, among them two Christians. Moreover, at least two Christians were charged with blasphemy or similar religion-based crimes in 2022. Regarding the death sentences, the USDOS explains that in one case, the court changed the sentence of Zafar Bhatti, a Christian man, from life in prison to death. Bhatti had been in prison since 2012 and convicted of blasphemy in 2017. The judge argued that according to the amended Section 295C of the Penal Code, death was the only admissible sentence for blasphemy. In a second case, a Christian man named Ashfaq Masih, imprisoned since 2017, denied all charges and claimed that his landlord and "a rival business owner" were behind the

accusations, driven by “personal and financial reasons”. As of the end of 2022, both remained in custody, according to the USDOS (USDOS, 15 May 2023, section II). In June 2022, the Lahore High Court reportedly upheld the death sentence for two Christian brothers. They had been accused of blasphemy in 2011 over material on social media, and had been convicted in 2018 (Freedom House, 4 October 2023, section C3). For the year 2023, information on death sentences in the context of blasphemy charges was not available or could not be found within the reporting period.

A Christian priest was killed and another wounded in an attack by unknown gunmen in the city of Peshawar in January 2022 (DW, 30 January 2022).

The USDOS points to media reports on the death of a Christian man in police custody. In another case, a Christian man was reportedly arrested on charges of blasphemy and beaten by police to confess the crime (USDOS, 15 May 2023, section II; see also section 6.4 on state protection and prosecution of crimes).

Accusations of blasphemy and cases of violence against Christians have also been recorded in 2023: In one such case, Musarrat Bibi, a Christian widow who was working at a school, was falsely accused of intentionally burning pages of the Quran, despite being illiterate. She was arrested but later released when the court dismissed the case (USCIRF, December 2023, p. 3). Nevertheless, she reportedly lost her job and lives in hiding as she continues to receive death threats (Morning Star News, 12 January 2024). In May 2023, two Christian teenagers, one of them underage, were reportedly arrested on accusations of blasphemy in the Qurban Lines area of Lahore (CSW, 22 May 2023).

HRW describes a mob attack on a Christian settlement in Jaranwala, in the Faisalabad district of Punjab Province in August 2023, following the accusation of two community members of “blasphemy”:

> “On August 16, 2023, several hundred people attacked a Christian settlement in Faisalabad district, Punjab province, after two members of the community were accused of committing ‘blasphemy.’ The mob, armed with stones and sticks, vandalized several churches, dozens of houses, and a cemetery. While the police arrested 130 people alleged to have been involved in the attacks, residents told local rights activists that hours before the attack, the police warned them a mob was coming but claimed they could do nothing to stop it.” (HRW, 11 January 2024)

Radio Free Europe/Radio Liberty (RFE/RL) quotes a Christian leader saying that the mob had responded to statements made by religious leaders in city mosques (RFE/RL, 16 August 2023) and Reuters quotes residents saying that clerics from the “outlawed Islamist political party” Tehreek-e-Labaik Pakistan (TLP) led the campaign. The TLP reportedly rejects the accusation claiming that it was helping the police to pacify the situation while a local police chief is quoted saying that the “same people who were making announcements on loudspeakers later joined us for the peace process” (Reuters, 18 August 2023). A report by the HRCP similarly points to the reported involvement of local TLP leaders and calls from mosque loudspeakers to react to the alleged blasphemy, using “abusive language against Christians” and inciting violence. Moreover, witnesses reportedly stated that many of the arsonists were not locals but had come from neighbouring villages. At the same time, the HRCP notes that in some cases victims had received help from their Muslim neighbours (HRCP, August 2023, pp. 2-3). BBC writes that according to some eyewitnesses, the police apparently made no attempt to stop protesters

and quotes the police chief of Punjab province saying that law enforcement was cautious about not intensifying the conflict to avoid the potential loss of lives (BBC, 17 August 2023 (b)). The two Christian men accused of blasphemy were arrested by the police (Reuters, 18 August 2023). According to the HRCP, at least 24 churches, several pastors' houses and over 80 houses have been burnt down in Jaranwala and neighbouring villages in the attack (HRCP, August 2023, p. 2). Nine police officers were reportedly injured in the attack (BBC, 24 December 2023).

In October 2022, seven UN Special Procedures mandate-holders state in a letter to the government of Pakistan that they received information regarding the "practice of forced conversions and marriages affecting women and girls from religious minorities" (UN Special Procedures mandate-holders, 26 October 2022, p. 1). In their letter, the Special Procedures mandate-holders describe seven individual cases of Christian and Hindu girls and women, who had been 13 to 20 years old when they were abducted, forcibly converted to Islam and married, noting that these cases were no exceptions but "indicative of a wider phenomenon throughout the country" (UN Special Procedures mandate-holders, 26 October 2022, p. 1).

Zarvia Pervaiz, a 13-year-old Christian girl was reportedly abducted in Rawalpindi in April 2022 by a Muslim couple that had lived in the Christian family's house with their children for some time when they had financial difficulties but were later asked to leave due to the man's abusive behaviour towards his wife. The girl was found two weeks later, and the kidnappers arrested. In court, the girl stated that she was 14 years (below the legal marriage age) that she did not want a medical examination and had converted and married of her free will. The court reportedly dismissed the case and returned the girl to her abductors. In July 2022, the Lahore High Court dismissed a petition by the girl's parents to return the girl and based its decision on the girl's previous statement. Likewise, the Court dismissed documents subsequently provided by the parents, including the girl's birth certificate and a statement of her showing that she was forcibly abducted, converted and married (UN Special Procedures mandate-holders, 26 October 2022, p. 7). The girl reportedly told her brother in a phone call after her abduction that her kidnappers had threatened her with the killing of her brothers if she did not comply with their demands (The Friday Times, 19 August 2022; The Daily Guardian, 5 September 2022). According to a report by the Jubilee Campaign, a US-based Christian non-profit organisation, Zarvia Pervaiz was able to return to her family in November 2022 (Jubilee Campaign, December 2023, p. 10). Another girl, 15-year-old Saba Nadeem was abducted in May 2022, raped, forcibly converted to Islam, and married to a Muslim man, but managed to return to her family several days later (UN Special Procedures mandate-holders, 26 October 2022, p. 8).

Several other sources similarly describe cases of Christian girls who were abducted, forcibly converted to Islam and married (e.g., Voice for Justice & Jubilee Campaign, November 2022; CLAAS-UK, 9 March 2023; USCIRF, May 2023, p. 35; NCHR, June 2023, p. 6). The Morning Star News describes a case of forced conversion of two Christian men (Morning Star News, 1 February 2024).

The USDOS points to reports by representatives of Christian communities that there still were problems with registering marriages with Islamabad union councils because the latter reportedly claim that they are not entitled to deal with marriages registered by Christian marriage registrars. Debates on a 2019 draft law regulating Christian marriages nationwide continued in 2022 but did not progress (USDOS, 15 May 2023, section II).

In Karachi, Christians reportedly protested against attempts by local "land mafias" to forcibly expel them from their homes in February 2022 (USDOS, 15 May 2023, section II). The HRCP

notes in a report on a fact-finding mission to South Punjab that the "illegal and forcible occupation of land owned by religious minorities emerged as a serious issue that remains unaddressed by the authorities" and that many Christian and Hindu interlocutors had mentioned cases when "people had been driven from their lands by threats of blasphemy charges and other forms of harassment and intimidation" (HRCP, 27 August 2022, p. 7).

6.3.4 Hindus

According to the 2017 census, 1.73 percent of the total population are Hindus, or 3.6 million people (PBS, 12 April 2021, p. 78), while according to another source, there are around 4 million Hindus living in Pakistan, including 1.4 million living in Sindh province (AP, 7 November 2022).
The USDOS explains that there are two laws governing Hindu marriages, namely the national-level Hindu Marriage Act and the Sindh Hindu Marriage Act, which is applicable in Sindh province. These laws regulate the registration of Hindu marriages and prove their legitimacy. The Hindu Marriage Act stipulates that marriages can "be voided when consent 'was obtained by force, coercion, or by fraud'" or when one of the parties converts to another religion than Hinduism. Sindh legislation allows for divorce and grants divorced or widowed Hindu women the right to remarry after six months (USDOS, 15 May 2023, section II). However, implementation of the law is reportedly pending (The Express Tribune, 25 April 2023).
In the before-mentioned report on the situation in South Punjab, HRCP describes the case of a Hindu man from the Yazman area who was accused of blasphemy a few days after he had protested against a local landlord occupying his land. While the Hindu man was later released, he remained homeless and fearing for his life, according to the HRCP (HRCP, 27 August 2022, p. 7). In another case, an underage Hindu girl was reportedly forcibly married to her father's landlord, who divorced her when being ordered by court to provide her with some land of her own:

> "In one case brought to the mission's attention, a landlord in Bahawalpur was alleged to have forcibly married the underage daughter of one of his Hindu tenants. After a petition was filed, the girl was produced in the high court but claimed she had married of her own free will. Her parents' counsel requested the court that she be given some financial security. The court ordered that the girl be given four acres of land. The landlord divorced her instead." (HRCP, 27 August 2022, p. 5)

During its fact-finding mission to South Punjab, the HRCP reportedly also received information on incidents where local Muslims occupied or blocked access to Hindu graveyards. In one incident, a Hindu family was reportedly prevented by local clerics to bury a recently deceased family member in the local graveyard, in another case, a Hindu cemetery had been desecrated (HRCP, 27 August 2022, p. 7). The USDOS points to media reports about the desecration of the body of a Hindu woman, that was reportedly stolen from a crematorium and burned outside (USDOS, 15 May 2023, section III). The Pak Institute for Peace Studies (PIPS) writes that Muslims denied the burial at a cemetery of a deceased Hindu labourer in November 2022 (PIPS, 12 December 2022, p. 9). Moreover, USDOS notes that according to media reports, a Hindu temple was vandalized in Karachi in June 2022 (USDOS, 15 May 2023, section III). In November 2022, another Hindu temple was reportedly vandalised in Naukot (Sindh province) and donations stolen (PIPS, 12 December 2022, p. 7; Firstpost, 29 November 2022). PIPS notes that

there is “a recurring pattern of temples being attacked and damaged in Sindh” (PIPS, 12 December 2022, p. 7).

The USDOS describes the case of Notan Lal, a Hindu teacher who was sentenced to life imprisonment, hard labour and a fine on charges of blasphemy. He had been in prison since 2019, following accusations by a Muslim student. The student later withdrew his accusation stating that he had acted out of anger after the teacher had reprimanded him for his schoolwork. The teacher appealed the verdict, however, there had been no court action by the end of 2022, according to the USDOS (USDOS, 15 May 2023, section II). Moreover, there was reportedly at least one incident of a mob attack on a Hindu man, falsely accused of blasphemy. The man was arrested by the police in Hyderabad while many Hindu families reportedly left the area out of fear for their security (USDOS, 15 May 2023, section II; Dawn, 24 August 2022).

As mentioned before (see section 6.2), at least 81 Hindu girls and women became victims of forced conversions in 2022, according to the CSJ (CSJ, March 2023, p. 4). The HRCP states that according to its own data, in Sindh province alone, “at least 20 cases involving allegations that Hindu girls had been forcibly converted were reported in local newspapers and on social media platforms during 2022”. In several of these cases, underage girls were reportedly abducted, forcibly converted and married (HRCP, 2023, p. 74). In some cases, the conversion certificate or the Nikah-Nama (Islamic marriage certificate) does not show the reported age of the underage girl, but states that the girl is 18 years of age or older, according to Voicepk.net:

> “There have been multiple reports of abductions of Hindu girls for forced conversion in Sindh in the past eight days.
>
> Kavita Bheel was reportedly forcibly converted and married to one Nadeem Kapri on March 20 in Umerkot. […] Satran Oad was allegedly abducted from Pithoro, Mirpurkhas, and taken to Lahore where she was converted and married to one Umar Mangrio on March 22. Satran’s age is reported as 13, however the *nikah-nama* states she is 18. In the third incident, Horzan Kolhi was allegedly kidnapped, converted and married to one Niaz Ali Brohi on March 23 in Mirpurkhas. Her family claims she is 16 however her conversion certificates notes her age as 22.” (Voicepk.net, 28 March 2022)

Several sources report on the killing of a Hindu girl, 18-year old Pooja Kumari, by a Muslim neighbour after he failed to abduct her for marriage (e.g., Voicepk.net, 28 March 2022; HRCP, 2023, p. 74; Al Jazeera, 31 March 2022). The USDOS notes that the girl’s family was reportedly pressured to settle the case out of court:

> “According to media reports, an 18-year-old Hindu woman, Pooja Kumari, was shot and killed in her home in Rohri, Sindh, on March 21 by a Muslim man, Wahid Bux Lashari, after she resisted his attempts to kidnap her. Kumari’s family told police and media that Lashari, who was from an influential landowning tribe, had been harassing Kumari and asking her to convert to Islam and marry him, but she refused. The death led to province-wide protests by the Hindu community against forced conversions and violence against girls and women from minority communities. Kumari belonged to the marginalized Ohd scheduled caste community. Sindh police arrested Lashari on March 21, and he reportedly confessed to the crime. On July 24, a local jirga pardoned Lashari in exchange for his paying approximately 1,800,000 rupees ($8,000) in compensation to Kumari’s family. In return,

> the family withdrew the murder charge. The family was reportedly pressured by police and local politicians to accept the settlement." (USDOS, 15 May 2023, section II)

PIPS describes in several social media monitoring reports incidents of abductions or forced conversions of Hindu girls that were mentioned on social media (e.g., PIPS, 17 June 2022, p. 1; PIPS, 14 September 2022, pp. 1-2; PIPS, 12 December 2022, pp. 4-5; PIPS, 12 April 2023, pp. 2-3; PIPS, 22 May 2023, pp. 1-2). In some cases, also adult married women were targeted (e.g., PIPS, 12 December 2022, p. 6).
For the year 2023, information on incidents targeting Hindus was not available or could not be found within the reporting period.

6.3.4.1 Scheduled Castes / Dalits

According to the 2017 census, 0.41 percent of the total population (849,614 people) are Scheduled Castes (PBS, 12 April 2021, p. 78).
The HRCP also points to the ongoing caste-based discrimination that Scheduled Caste communities experience:

> "There are approximately 40 Hindu castes in Pakistan, 32 of which were listed as Scheduled Castes under the November 1957 Presidential Ordinance of Pakistan. The majority of Scheduled Caste Hindus belong to lower castes, such as the Kohli, Meghwar, Bheel, Bagri, Balmaki, Jogi and Oad communities. Unfortunately, the hierarchical structure of castes among religious minorities – and the social and economic implications of this – is widely ignored in Pakistan. This systemic dismissal of class and caste identification compounds the erasure of Scheduled Castes' intersectional experience, which is rife with caste-based violence and discrimination, and translates into a profound lack of protections for the community." (HRCP, 7 February 2023, p. 5)

The Friday Times explains that the term was introduced under British rule for the "backward castes" to give better chances to the people of these castes and quotes an activist saying that the term was now "a recognized constitutional term" under which the rights of the Scheduled Castes, including specific quotas for jobs, education or scholarships were granted. The census allows to identify either as Hindu or as Scheduled Caste and The Friday Times describes a social media controversy that arose over this issue in the context of the 2023 census, with some Hindus being in favour of registering all followers of Hinduism as Hindus regardless of caste and others being in favour of keeping the distinction to ensure that the Scheduled Castes, who continue to be socially marginalised, keep access to the opportunities reserved for this group (The Friday Times, 18 March 2023).
A report on social movements in Pakistan by the German political foundation Friedrich-Ebert-Stiftung (FES) describes two social movements in Sindh province that work specifically on issues relevant for the Scheduled Caste communities, the Bheel Intellectual Forum and the Dalit Community Movement (Dalit Sujag Tehreek). Both movements promote the inclusion of the members of their communities in the census as Scheduled Caste Hindus (Akram, July 2023, pp. 28-30).
The USDOS points to ongoing concerns by community leaders about the government's failure to protect vulnerable groups, in particular Hindu Dalits and Christians, from exploitation:

> "Community leaders continued to state the government did not take adequate action to protect its poorest citizens, including religious minorities, such as Christian and Hindu Dalits, from bonded labor practices such as landowners forcing people to work, sometimes for multiple generations, to pay off alleged debts owed to the landowner. Hindu Dalits remained vulnerable to human rights violations and pressure by perpetrators to withdraw police cases. The Bonded Labor Liberation Front, an NGO, reported that nearly 8 million people worked in debt bondage around the country in 2022, 98 percent at brick kilns. Most bonded laborers working in brick kilns were Christians or Hindu Dalits." (USDOS, 15 May 2023, section II)

Similarly, Amnesty International notes that "Scheduled Caste Hindus (also known as Dalits) were disproportionately disadvantaged in accessing services, resources and opportunities. Many remained trapped in bonded labour and were subjected to rape and violence" (Amnesty International, 27 March 2023).

6.3.5 Shi'ites

The USDOS notes that there is no certainty about the exact number of Sunni and Shia Muslims, but that Shia Muslims – including ethnic Hazara, Ismaili and Bohra - are believed to comprise about 15 to 20 percent of the Muslim population (USDOS, 15 May 2023, section I). Shia Muslims form the majority in the autonomous Gilgit-Baltistan region, according to a report by the Australian Government's Department of Foreign Affairs and Trade (DFAT), while Karachi, Lahore, Rawalpindi and Islamabad are home to "significant" Shia communities (DFAT, 25 January 2022, p. 26). The International Crisis Group explains that "Peshawar, the western districts of Dera Ismail Khan and Kohat, and the tribal districts of Kurram and Orakzai" are locations in Khyber Pakhtunkhwa province with "sizeable Shia populations" (International Crisis Group, 5 September 2022, p. 7).

A distinction between Sunni and Shia Muslims is usually not possible, according to DFAT, with a few exceptions:

> "Most Pakistani Shi'a (except Hazaras) are not physically or linguistically distinguishable from Sunnis, and national censuses do not distinguish between them. NADRA [National Database and Registration Authority] collects sectarian information during the application process for identity documents, but CNICs [Computerised National Identity Card] do not identify a cardholder's religion, and passports do not distinguish between Sunni and Shi'a. Some Shi'a may be identifiable by common Shi'a names, such as Naqvi, Zaidi or Jafri. Similarly, ethnic or tribal names can reveal a person's ethnicity or tribal affiliation: nearly all Hazaras and Turis are Shi'a, as are many Bangash. Ritual self-flagellation during Shi'a religious festivals can leave distinctive, permanent scars, which have been used by militants to identify Shi'a for execution." (DFAT, 25 January 2022, p. 26; see section 7 below for further information on the Hazara and Turi people)

Shias are reportedly exempted from paying zakat, a mandatory tax collected by the government from Sunni Muslim bank account holders for state-run charity projects, and they have their own wafaq, an independent institution that registers madrassahs and administers their activities. Shia Muslims (just like Ahmadi Muslims) are excluded from the five percent hiring quota for religious minorities for positions at provincial local and federal government levels (USDOS,

15 May 2023, section II). Shias are in general able to practice their religion and are "well represented in parliament", according to the DFAT, which, however, also notes that Shia Muslims "face rising religious intolerance and official discrimination in the form of blasphemy accusations", with more than 70 percent of blasphemy cases targeting Shia Muslims. Moreover, Shias reportedly used to be targeted by militant Islamist groups such as Tehreek-e-Taliban Pakistan (TTP), Lashkar-e-Jhangvi (LeJ) and Islamic State Group (IS). However, the DFAT states that since 2013 such attacks have become less frequent (DFAT, 25 January 2022, p. 26). On the other hand, in a report on sectarian violence in Pakistan of September 2022, the International Crisis Group explains that Shia Muslims are targeted by Sunni militant groups, but also experience state repression:

> "On the receiving end of this consolidated Sunni Islamist threat, the country's Shia minority feels increasing beleaguered and in danger. Shias often contend with the wrath of security agencies suspicious of their links to Iran. Blasphemy laws are also being increasingly used to target the community." (International Crisis Group, 5 September 2022, p. ii)

According to the USDOS, a Shia Muslim was sentenced to death for blasphemy by a court in Faisalabad, Punjab province, in February 2022. In 2017, also his brother had been sentenced to death on the same charges. By the end of 2022, both reportedly remained in custody (USDOS, 15 May 2023, section II). Moreover, Syed Salman Haider Rizvi, the General Secretary of the Shia organisation Pasban-e-Aza, was killed by unknown gunmen in March 2022 in Karachi (USDOS, 15 May 2023, section III; Bitter Winter, 17 March 2022) and a Shia scholar was shot during a religious gathering in Kothe Pathana village in the Sialkot District of Punjab province. He later died in hospital and the attacker was detained by the police (USDOS, 15 May 2023, section III). On 4 March 2022, at least 62 people were killed in a suicide attack on a Shia place of worship, during Friday prayers in Peshawar, Khyber Pakhtunkhwa province (USDOS, 15 May 2023, section III; Al Jazeera, 5 March 2022; Dawn, 5 March 2022). At least 197 people were injured. The Islamic militant group Islamic State Khorasan Province (ISKP) later claimed responsibility for the attack (USDOS, 15 May 2023, section III). The Eurasia Review points to several attacks on Shia Muslims in 2023: In May, seven Shia teachers were killed in an attack on Kurram District school (Khyber Pakhtunkhwa province). Also in Kurram District, a least five people were killed and 21 injured in an attack on Shia Muslims in July. At least 11 people were injured in an attack on a Shia religious procession in Khipro town of Sanghar District in Sindh province in September (Eurasia Review, 19 September 2023).

6.3.6 Sikhs

According to Arab News, there are an estimated 20,000 Sikhs living in Pakistan (Arab News, 26 November 2023), while Radio Free Europe/Radio Liberty (RFE/RL) writes about an estimated number of 60,000 Sikhs, with most of them living in Punjab province (RFE/RL, 28 September 2023). Pakistan Times notes that for the 2023 census, Sikhism has been included as a separate category in the list of religions on the census form. In the 2017 census, Sikhs had not been listed as separate religious group, but had been subsumed under the category of "Other" (Pakistan Times, undated).

The USDOS explains that the provincial Sindh Hindu Marriage Act is also applicable to Sikh marriages, but that there were still attempts by parts of the Sikh community to obtain a separate law specifically addressing Sikh marriages in order not to be considered as Hindus

before the law. The Punjab Sikh Anand Karaj Marriage Act allows local government authorities to record marriages between Sikh men and women that have been officiated by a Sikh Anand Karaj marriage registrar (USDOS, 15 May 2023, section II). However, implementation of the Punjab Sikh Anand Karaj Marriage Act was reportedly still pending as of March 2023 (Pakistan Observer, 31 March 2023).

Sikh girls and women continued to be at risk of forced conversion (Amnesty International, 27 March 2023; USCIRF May 2023, p. 35), as well as of abductions, rape and forced marriage (USCIRF, May 2023, p. 35). The USDOS describes the case of an alleged abduction and subsequent forced conversion and marriage of a Sikh woman, Dina Kumari, to a Muslim man in Khyber Pakhtunkhwa province. The police reportedly claimed that she had been located and testified before a local court that she had acted of her own free will (USDOS, 15 May 2023, section III; see also Dawn, 21 August 2022).

In 2022, three Sikhs were killed in armed attacks on religious minorities in Peshawar, Khyber Pakhtunkhwa province: one man was shot in January and two spice shop owners were killed by unknown gunmen in an attack on their shops in May (HRCP, 2023, pp. 100, 109). The ISKP later claimed responsibility for the attack, according to PIPS (PIPS, January 2023, p. 43). In April, police reportedly recovered a Sikh boy who had been abducted by a "self-professed Muslim spiritual healer" and kept in captivity for five months. The abductor had not released the boy even after having received a ransom payment by the boy's family (HRCP, 2023, p. 109). A 13-year-old Sikh boy was reportedly sexually assaulted by two Muslim men in Jacobabad (Sindh province). The men were arrested but later managed to escape from the Civil Lines Police Station and had not been rearrested by the end of the year 2022 (USDOS, 15 May 2023, section III; see also PIPS, 12 December 2022, p. 7).

RFE/RL and the Associated Press (AP) report about the killing of three Sikh men in three separate attacks in April, May and June 2023, respectively. The ISKP claimed responsibility for the June 2023 killing (RFE/RL, 28 September 2023; AP, 25 June 2023).

6.3.7 Zikris

According to the USDOS, the Zikri Muslim community, located in Balochistan province, (USDOS, 15 May 2023, section I). Dawn quotes a security analyst explaining that Zikris are targeted by "local affiliates" of the Islamic State (IS) group:

> "'Targeting the 12th Rabiul Awwal procession indicates that IS's local affiliates in the region adhere to the IS central's tendency to instigate sectarian strife by actively targeting minority Muslim sects, such as Shias, Barelvis, and Zikris,' said Muhammad Amir Rana, an Islamabad-based security analyst." (Dawn, 3 October 2023)

No further information on the Zikris could be found within the reporting period.

For additional information, see also the following report of 2021:

- ACCORD - Austrian Centre for Country of Origin & Asylum Research and Documentation: Pakistan: Religious Minorities, March 2021, pp. 105-107 https://www.ecoi.net/en/file/local/2047750/ACCORD-Pakistan-Religious-Minorities-March-2021.pdf

6.4 State protection and prosecution of crimes committed against religious minorities

The USDOS explains that according to members of religious minority communities, minority rights and minority protection laws have been applied "inconsistently" by the Ministries of Law and Justice, Interior, and Human Rights. Equally "inconsistent" was the protection "against societal discrimination and neglect" while official discrimination reportedly continued "to varying degrees", with Ahmadi Muslims being the most negatively affected group (USDOS, 15 May 2023, section II).

The New Humanitarian (TNH) points to the impact of blasphemy laws on the criminal justice system:

> "The way blasphemy laws operate in Pakistan negates the presumption of innocence and violates fair trial rights. Witnesses often refuse to articulate the alleged act of blasphemy for fear of committing further blasphemy, lawyers are afraid of representing an alleged blasphemer, and judges are afraid of hearing – let alone deciding – the case. In other words, the blasphemy laws effectively disempower the criminal justice system." (TNH, 4 October 2023)

The USDOS states that according to NGOs and media reports, some individuals who were convicted and sentenced to death in well-known blasphemy cases since 2014, are still in prison awaiting appeal outcomes. Hearings are often delayed, adjourned or redirected. Lower court judges were reportedly reluctant to decide blasphemy cases as they feared being targeted by violent Islamist extremists in case they did not pass a harsh sentence. Therefore, they reportedly "continued to quickly convict and sentence the accused", anticipating that higher courts, with often better protection for judges, might overturn these convictions (USDOS, 15 May 2023, section II). Similarly, RFE/RL notes that judges often postpone hearings in blasphemy cases (RFE/RL, 16 August 2023) and Al Jazeera states that judges were reportedly put under pressure to issue convictions, fearing physical attacks if they fail to do so (Al Jazeera, 18 August 2023).

According to Al Jazeera, local police often does not intervene in cases of "anti-blasphemy violence" out of fear that otherwise they themselves might be accused of blasphemy (Al Jazeera, 18 August 2023). The USDOS explains that in cases of violence against religious minorities, perpetrators often go unpunished:

> "NGOs expressed concern that authorities often failed to intervene in instances of societal violence against religious minorities due to fear of retaliation, inadequate staff, or apathy and that perpetrators of such abuses often faced no legal consequences due to a lack of follow-through by law enforcement, bribes offered by the accused, and pressure on victims to drop cases." (USDOS, 15 May 2023, Executive Summary)

In a fact-finding report following a mob attack on the Christian community in Jaranwala in August 2023 (see above, section 6.3.3), the HRCP describes an "inexplicable holding back on the part of the police despite clear evidence of the level of violence" (HRCP, August 2023, p. 4). The HRCP states that the police explained this with their intention to prevent the situation escalating and states that while this might be understandable in a confined space, in this case the violent crowd was moving from one locality to another, apparently without an attempt to

disperse it. The HRCP notes that it took several hours before police reinforcements arrived and that it had heard reports about police officers not intervening. It further notes that while it was certain that in the beginning there was not sufficient police personnel on site, it was still difficult to understand why no action was taken. The HRCP comes to the following conclusion:

> "The mission attributes the police's hesitation in taking definitive and deterrent action against religiously motivated crowds—especially mobs led by certain religious political parties—to the ambiguity in state policies and lack of clarity in general instructions given to law enforcement personnel for dealing with such situations." (HRCP, August 2023, p. 4)

The BBC writes in December 2023 that according to authorities in Jaranwala, 78 households whose houses had been damaged in the attack, had received 2 million rupees (USD 7,178) each. Moreover, 350 people have been arrested by the police in the aftermath of the attack. By the end of 2023, about a quarter of them were still in prison, according to a city police officer quoted by the BBC (BBC, 24 December 2023). In a hearing on the case in February 2024, the Supreme Court, headed by the Chief Justice of Pakistan, reportedly rejected the report submitted by the Punjab authorities on the Jaranwala incident, stating that it lacked relevant information on the registration of First Information Reports (FIRs), the number of suspects named and the status of those cases, the names of the courts where these cases were pending, and the progress made so far. The Court reportedly ordered the Punjab Police to conduct the investigation afresh and submit a new report within two weeks (Dawn, 14 February 2024). Morning Star News quotes the Chief Justice of Pakistan pointing to the "apparent hesitation shown by the law enforcement agencies in identifying the culprits" and adding that the investigating agencies were apparently not interested in punishing the culprits but instead seemed to have become "intimidated by the persons who take the law into their own hands" (Morning Star News, 14 February 2024). A police official reportedly conceded during the hearing that those involved in the attacks were affiliated to the TLP party (Dawn, 14 February 2024).

With regard to early and forced marriages, HRW notes in its annual report for the year 2023 that "women from religious minority communities remain particularly vulnerable" and that "the government did little to stop" the practice (HRW, 11 January 2024).

In their letter of October 2022 to the government, seven UN Special Procedures mandate-holders point to information they received on the practice of forced conversion and marriage of religious minority women and girls and state that they were "disturbed by reports of the inaction and complicity of security forces and the judiciary in the face of these abuses" (UN Special Procedures mandate-holders, 26 October 2022, p. 8).

The mandate-holders describe in detail the (in)action of security forces and judiciary as reported by affected families:

> "Perpetrators of these offenses are alleged to enjoy a significant degree of impunity, enabled in part by the actions of the security forces and the justice system. Family members of victims report that their complaints are not taken seriously by police at the first instance of reporting; on the contrary, police in some instances have reportedly convinced family members to sign documents that attest to their children being of age through fraudulent practices such as allowing illiterate people to sign written documents, or having complainants sign a blank piece of paper that is subsequently filled in by the

> police with information indicating that the victim in question was of age. In other instances, police have reportedly informed families that they have no jurisdiction to intervene, describing the abductees' relationship with their abductors as 'love marriages' and providing the families with documentation from the girls' abductors which attests to their voluntary marriage and conversion." (UN Special Procedures mandate-holders, 26 October 2022, p. 2)

The letter continues to explain that according to information obtained, even when abduction, forced marriage, and conversion cases reach the courts, they often get dismissed due to defendants' interference, who present marriage and conversion certificates and victims' statements claiming voluntary action. However, these documents and statements are reportedly often obtained without victims' consent or under coercion. Courts, on the other hand, reportedly often fail to verify these documents or to consider contradicting information provided by other sources:

> "Abductors appeal to the religiosity of the police and judiciary by emphasizing they have converted a non-believer to Islam. It is reported that courts often fail to undertake critical examination of such documents submitted by abductors and their families to determine or statements made by the victims do [sic] determine whether they were falsified or produced under duress, but rather accept these documents at face value. This is allegedly true even in instances where documents from other sources, such as the victims' schools, religious institutions, families, or the Government's National Database and Registration Authority contradict the documents submitted by abductors and their families with regard to the victim's age. Courts reportedly issue orders on the basis of these fraudulent documents that order victims to remain with their abductors and in some instances, to refrain from contact with their families." (UN Special Procedures mandate-holders, 26 October 2022, p. 2)

7 Situation of racial and ethnic minorities

According to the CIA World Factbook, 44.7 percent of the population are Punjabi, 15.4 percent Pashtun, 14.1 percent Sindhi, 8.4 percent Saraiki, 7.6 percent Muhajirs, and 3.6 percent Balochi, while 6.3 percent of the population belong to other ethnic groups (CIA, last updated 9 April 2024).

The PBS states in its Population and Housing Census 2017 report that the country's major ethnic groups included Punjabis, Pashtuns, Sindhis, Saraikis, Muhajirs, Balochis, Hindkowans, Chitralis and Gujrati, while smaller ethnic groups included Kashmiris, Kalash, Burusho, Khowar, Hazara, Shina, Kaylu and Balti, who are predominantly living in the country's northern parts, according to the PBS (PBS, 12 April 2021, p. 17).

In terms of linguistic diversity, the Pakistan Times explains that while the 2017 census offered the population ten options to indicate one's mother tongue[47], for the 2023 census there have been added six more languages to the census form, including the Shina, Balti, Mewati, Kalasha, Kohistani, and Pothwari languages (Pakistan Times, undated).

The DFAT notes that Article 28 of the Constitution provides for the preservation of languages, scripts, and culture. Several other provisions protect against discrimination on grounds of race, including in terms of access to publicly-funded education (Article 22(3)(b)), public places (Article 26) and public sector employment (Article 27), while Article 25 provides for the equality of all citizens before the law (DFAT, 25 January 2022, p. 18; see also Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018). However, the DFAT states that "[i]n practice, many people do experience discrimination on these grounds" (DFAT, 25 January 2022, p. 18).

The USDOS states that ethnic minorities have reportedly experienced arbitrary arrests, demands for bribes and harassment by police officials (USDOS, 20 March 2023, section 1d) and are among the population groups that are particularly at risk of being trafficked, especially in bonded labour (USDOS, 15 June 2023).

7.1 Hazara

According to the DFAT, there are an estimated 600,000 to one million Hazaras living in Pakistan, with their own language and with most of them adhering to the Shia Muslim faith. Most of the Hazaras live in Quetta, Balochistan province:

> "The Hazaras are an ethnic group of distinctive East Asian appearance, native to the Hazarajat region of Afghanistan. Their language, Hazaragi, is a variety of Persian that is mutually intelligible with Dari. There are an estimated 600,000 to 1 million Hazaras in Pakistan. Most are Shi'a Muslims of the Twelver Sect, although some belong to the Ismaeli sect and a small number are Sunni. […]
>
> Large groups of Hazaras migrated to Pakistan from Afghanistan in the late 19th century, during the 1978-89 Afghan War, and following the Taliban takeover in 1996. Most live in enclaves in Quetta due to the security situation in Balochistan. Smaller populations live in Karachi, Lahore and Islamabad. Hazaras outside Quetta tend not to live in enclaves to

[47] Urdu, Punjabi, Sindhi, Pashto, Balochi, Kashmiri, Saraiki, Hindko, Brahui, and Other.

> reduce the risk of ethnic profiling, discrimination and attack." (DFAT, 25 January 2022, p. 18)

Arab News reports in December 2023 on the inauguration of the first transmission in the Hazargi language on Pakistan's state television PTV (Arab News, 19 December 2023).

In a report from 2018, the NCHR describes the rise in sectarian violence since 1999, particularly between Sunni and Shia Muslims, and notes that the Hazaras have been the main target of aggression. Since 1999, the NCHR notes, the Hazaras "have consistently been targeted by terrorists and religious fanatics […] through suicide bombings and targeted killings" and more than 2,000 have reportedly been killed in the preceding 14 years (NCHR, February 2018, p. 5). The DFAT states that militant groups such as Lashkar-e-Jhangvi (LeJ) and the Islamic State group (IS) target Hazaras since they consider them "infidels", and that many of their political and religious leaders have been targeted for assassination (DFAT, 25 January 2022, p. 18). The USDOS indicates that according to reports by civil society organisations and media outlets, armed sectarian groups with links to organisations banned by the government, including Tehreek-e Taliban Pakistan and Sipah-e-Sahaba Pakistan, as well as groups such as the Islamic State group (IS), continued to attack religious minorities. Among their targets were Shia Muslims and, in particular, members of the Hazara community, who are predominantly Shia Muslims (USDOS, 15 May 2023, section III). Similarly, the Christian advocacy organisation Christian Solidarity Worldwide (CSW) points out that the Hazara have increasingly been the target of sectarian aggression and notes that their "distinct religious, linguistic and ethnic identity" makes them "easily identifiable and therefore more vulnerable" to such attacks (CSW, March 2022, p. 1).

The DFAT notes in January 2022 that there have been no attacks outside Balochistan since 2014. Nevertheless, until then there had been attacks on Hazaras in other places such as Karachi, Peshawar and others (DFAT, 25 January 2022, p. 18). The USDOS states that sectarian militant groups continued to attack Hazaras in Quetta, Balochistan province and that the community also faces discrimination and threats of violence. Media and other accounts reportedly indicate that the Hazaras' ability to move beyond the confines of the two Hazara-dominated areas in Quetta was restricted by fears for their security (USDOS, 20 March 2023, section 6). Another source notes that the Hazaras of Quetta "are under siege, living in fear of the next attack" (International Crisis Group, 5 September 2022, p. 17; see also Arab News, 19 December 2023) The USDOS writes that members of the community expressed grievances that heightened security protocols had effectively transformed their neighbourhoods into "ghettos" and caused economic hardship as consumer products were more expensive than outside these enclaves. Moreover, there were no employment opportunities nor access to higher education, and surveillance by the authorities had reportedly increased following the influx of Afghan Hazaras after the Taliban's return to power in August 2021 (USDOS, 20 March 2023, section 6; see also DFAT, 25 January 2022, p. 19). The HRCP quotes members of the Hazara Democratic Party (HDP) in Balochistan describing the difficulties Hazaras in Quetta are facing:

> "Members of the HDP conceded that Quetta had been relatively peaceful in the last two years for their community, but pointed out that a general unease still existed. Most members of the Shia Hazara community continue to live in the Hazara Town and Mariabad neighbourhoods. The fear of ethnic violence means that Shia Hazara citizens still require

> an armed escort to visit Quetta's main markets to purchase food and other items. A daily convoy of 30–40 vehicles leaves these areas every day and citizens are told they have two or three hours at most to purchase what they need. A particular concern of HDP representatives was the level of unemployment among the young Shia Hazara population. One representative claimed that even well-qualified Shia Hazara candidates found it difficult to obtain government posts, citing corruption and nepotism. 'Eighty percent of the community is still too scared to return to regular trade in the city's main markets,' he added." (HRCP, 19 April 2023, p. 11)

In a study from 2023 on the history of attacks against Shia Hazaras of Quetta, researchers Bismellah Alizada and Maisam Iltaf note that due to the insecure situation and the lack of socio-economic opportunities, an estimated 25 percent of the entire population has left Quetta over the past two decades and migrated to other locations within the country or overseas (Alizada & Iltaf, March 2023, p. 4). The researchers note that they have identified at least 261 attacks against the Hazara community in Balochistan province in the period 1999 to 2022, resulting in 1,046 dead and 1,262 injured, and an additional 15 attacks against Hazaras in Karachi and Lahore. They note that attacks have peaked in 2012 and have since then decreased (Alizada & Iltaf, March 2023, p. 2). Of the 261 identified attacks, 223 reportedly took place in Quetta city. For the year 2022, the authors have identified two attacks against Hazaras in Balochistan (compared to one in 2021 and zero in 2020), resulting in 2 dead and 21 injured (Alizada & Iltaf, March 2023, pp. 51-53). PIPS describes one attack on a Hazara in the year 2022 – a local shop owner in Quetta, who died in a bomb attack on the shop. PIPS notes that according to local sources, the shop owner was the target of the attack, while media sources reportedly claim that a police officer who was also killed in the attack, was the target (PIPS, 2023, p. 50).

According to the DFAT, the enclaves offer only basic medical services. Those with the means often go to Karachi for medical care, whereas the rest are compelled to seek treatment at hospitals in Quetta, located outside the enclaves, despite previous incidents of attacks there (DFAT, 25 January 2022, p. 19).

The USDOS notes that according to community members Hazaras faced discrimination with regard to the issuance of identification cards and passports (USDOS, 20 March 2023, section 6) and the DFAT explains that most Hazaras can get formal identification but that officials at the National Database and Registration Authority (NADRA) sometimes cause delays for Hazaras who in the past had been attacked while waiting for these documents. Therefore, the DFAT notes, Hazaras were reluctant to leave their enclaves to apply for passports and identification cards (DFAT, 25 January 2022, p. 19).

7.2 Pashtuns

There are about 35 million ethnic Pashtuns in Pakistan, with many of them living in areas near the border to Afghanistan (RFE/RL, 28 January 2024).

In study for the Friedrich-Ebert-Stiftung (FES), researcher Mubashir Akram describes the Pashtun Tahafuz Movement (PTM) as a social movement that demands greater political and social rights for Pashtuns, particularly for those living in the Newly Merged Areas, that is, the former Federally Administered Tribal Areas (FATA) that were merged with the province of Khyber Pakhtunkhwa in 2018. The movement reportedly started as a student group committed to defend the rights of Pashtun students against militant groups operating in the area.

Meanwhile, the movement has gained strong support not only in Khyber Pakhtunkhwa province but also in Karachi, the capital of Sindh province (Akram, July 2023, p. 17). It has reportedly managed to mobilise thousands of people to take part in rallies against the national army's "heavy-handed tactics" in its response to the Pakistani Taliban and other militant groups in the area (RFE/RL, 28 January 2024; see also USDOS, 20 March 2023, section 2b).
According to RFE/RL, more than 80,000 people, mostly ethnic Pashtuns, have been killed and more than 6 million Pashtuns have been displaced in Khyber Pakhtunkhwa province during years of attacks by the Tehreek-e-Taliban-e-Pakistan (TTP), the Pakistani Taliban Movement, and the army's counterinsurgency (RFE/RL, 16 September 2023). The Diplomat similarly points to the impact of the army's counterinsurgency measures:

> "In 2018, Manzoor Pashteen initiated the Pashtun Tahafuz Movement (PTM) as a response to Pakistan's extensive military campaigns in the Pashtun belt, which uprooted hundreds of families, razed towns, and resulted in thousands of dead, displaced, and injured in the region. The PTM has since organized protests to end extrajudicial killings, enforced disappearances, racial profiling, and harassment of Pashtuns and also called for demining in the insurgency-wreaked region of Khyber Pakhtunkhwa formerly known as the Federally Administered Tribal Areas (FATA)." (The Diplomat, 9 December 2023)

The USODS explains that PTM leaders continued to be arrested, detained and to face charges by security agencies in relation to their protests and speeches (USDOS, 20 March 2023, section 2b). Freedom House notes that the system of single-member constituencies at the national level guarantees parliamentary representation for significant ethno-linguistic communities from every province. Despite the prominent involvement of Pashtun, Sindhi and Baloch leaders in the country's political scene, however, the military endeavours "to marginalize figures from minority groups it suspects of harboring antistate sentiments, as exemplified by its treatment of the PTM", according to Freedom House (Freedom House, 2023, section B4). The USDOS points to reports by PTM members and Pashtun activists about being threatened and targeted by state authorities and militants:

> "The PTM and secular Pashtun political leaders claimed Pashtuns were targeted and killed by both antistate militants and security forces because of their political affiliation or beliefs, antimilitancy stance, or criticism of the government. PTM leaders and activists claim they had been threatened, illegally detained, imprisoned without trial, banned from domestic and international travel, and censored. Anti-Taliban Pashtun activists and political leaders were targeted and killed, allegedly by militants, in Sindh, Balochistan, and Khyber Pakhtunkhwa. Pashtuns from the former FATA complained they were frequently profiled as militants, based on their tribe, dress, appearance, or ancestral district of origin. Pashtun activists claimed they were subject to military censorship and sedition laws were used to stifle PTM and other Pashtun critics of the government." (USDOS, 20 March 2023, section 6)

PTM founder Manzoor Pashteen was arrested in October 2022 on charges of terrorism. The following month, another PTM leader, Mohsin Dawar, was prevented from traveling abroad (Freedom House, 2023, section B2). Manzoor Pashteen was arrested again in December 2023. Amnesty International notes that as of January 2024, he remains in custody although he has

been granted bail three times since then (Amnesty International, 24 January 2024). Ali Wazir, a former member of the National Assembly and a PTM leader has reportedly faced several sedition and terrorism charges in connection with his speeches, criticising enforced disappearances, the targeted killing of ethnic Pashtuns and the military's role in politics and administration, according to Voicepk.net. He was arrested in December 2020 for alleged anti-state remarks and kept in detention for more than two years. A few months after his release in February 2023, he was re-arrested in June and again in August of the same year. In November 2023 he was reportedly taken in custody by the police on his return from a demonstration and was facing charges related to "speeches against institutions and the disturbance of peace" (Voicepk.net, 14 November 2023).

Several PTM members who were protesting against the ongoing arrest of Manzoor Pashteen were reportedly detained by the police in January 2024 (RFE/RL, 28 January 2024).

7.3 Baloch

Balochistan is Pakistan's largest province – it covers 44 percent of the total land - but is home to only 6 percent of the country's population. It is, although resource-rich, Pakistan's least developed province. BBC describes the local population's and especially the Baloch people's long-standing dissatisfaction with the government, accusing it of exploiting the region without developing it. Insurgent groups have been active in the region since the country's independence. Two groups remain "highly active", including the Balochistan Liberation Front (BLF) and the Balochistan Liberation Army (BLA) (BBC, 19 January 2024; see also section 3).

The USDOS describes claims by many ethnic and religious groups that their members are detained by the authorities due to their political affiliation or beliefs. In 2015, the federal government had reportedly declared a general amnesty for Baloch insurgents willing to lay down their arms. However, in March 2022, an official responsible for reconciliation in Balochistan province reportedly stepped down from his position over the government's alleged failure to fulfil its commitments about Balochistan. Despite the amnesty announcement, Baloch leaders reportedly continue to be illegally detained, and the disappearance of Baloch civilians persists (USDOS, 20 March 2023, section 1e).

The BBC writes that the non-profit organisation Voice of Baloch Missing Persons has reportedly registered about 7,000 cases since 2004. On the other hand, the Commission of Inquiry on Enforced Disappearances, basing its calculation on government records, informs about 2,752 active cases in Balochistan as of January 2024, while the interim prime minister in an interview with the BBC reportedly spoke of only about 50 people who are missing (BBC, 3 February 2024).

According to the USDOS, human rights activists doubt the figures provided by the Commission of Inquiry on Enforced Disappearances and assume a higher number of such cases. Baloch activists reportedly criticised the commission, claiming that it only helps security forces in identifying victims' families for harassment (USDOS, 20 March 2023, section 1e).

The Human Rights Council of Balochistan (HRCB) states that it recorded enforced disappearance cases of at least 584 people, including 23 women, throughout the country in 2022. The highest number of abductions was recorded in Kech district with 216 people. 84 of all abductees were students, making this the largest target group in terms of profession (HRCB, 28 March 2023).

Amnesty International points to an increase in abductions in Balochistan in 2022:

> "Amnesty International documented the frequent use of enforced disappearances in the province of Balochistan. These increased following a suicide bombing at the University of Karachi on 25 April, claimed by the Balochistan Liberation Army, which killed four people. Baloch activists told the media that the state was using the attacks as an excuse to target Baloch women, activists and protesters." (Amnesty International, 27 March 2023; see also HRCP, 2023, p. 19)

The HRCP notes that abductions of Baloch people by state agencies continued in 2022 with impunity (HRCP, 2023, p. 135), targeting mainly political activists, but also students. Moreover, the commission points to the killing of earlier disappeared persons as suspected militants by the Counter-Terrorism Department (CTD) in allegedly "fake encounters" (HRCP, 2023, pp. 129, 135). For more information on enforced disappearances, see also section 12.1.2.

The HRCP explains that police in Karachi "over the years resorted to violence" during protests in so-called Red Zone areas where government buildings are located, including in May 2022, when 18 people were detained during protests against enforced disappearances, and in June 2022, when during a protest over the fate of two abducted Baloch students police tried to disperse the crowd by force (HRCP, 2023, p. 76). In January 2024, Amnesty International draws attention to the police harassment of participants in the "Baloch Long March", a protest march led by women who travelled from Turbat in Balochistan to the capital Islamabad to protest against enforced disappearances and extrajudicial killings. Police reportedly used force to disperse the crowd, several participants were detained and at least 13 First Information Reports (FIRs), initiating criminal proceedings, were filed against protesters. Moreover, participants reportedly faced threats and intimidations by the authorities (Amnesty International, 24 January 2024; see also section 5.5).

The HRCB notes in its annual report for 2022 that Baloch students continued to experience racial profiling as well as threats, harassment and enforced disappearances in Balochistan, Punjab and other provinces. Following a petition against harassment, racial profiling, and enforced disappearance filed by Baloch students at the Islamabad High Court (IHC), Chief Justice Athar Minallah ordered a commission to be formed to investigate the students' claims, however, the government appealed against the IHC's decision at the Supreme Court (HRCB, 28 March 2023). In a hearing on allegedly missing Baloch students before the IHC in November 2023, the Attorney General stated that 22 out of 50 persons had been found, while the fate of 28 others was still unknown (Dawn, 29 November 2023).

7.4 Turis

The DFAT describes the Turis as follows:

> "The Turis are a Shi'a Pashtun tribe of around 500,000 people. Most Turis live in and around Parachinar and Kurram Agency in the former FATA (now part of Khyber Pakhtunkhwa). Turis are not generally distinguishable from other Pashtuns by appearance, but are identifiable by tribal names, accents, and residence in known Turi areas.
>
> Turis have faced significant violence due to their sectarian affiliation, opposition to the Taliban and other Sunni militant groups, and territorial disputes with other Pashtun tribes.

> Groups such as the TTP have targeted Turis for their Shi'a faith." (DFAT, 25 January 2022, p. 27)

The DFAT points to bomb attacks targeting Turis in 2017 and 2020, but notes that the security situation has improved, although "underlying triggers for conflict" remain, according to local experts quoted by the DFAT (DFAT, 25 January 2022, p. 27)

In 2023, however, several sources report on outbreaks of deadly violence in Parachinar: eight people were killed in separate shooting incidents in May 2023 (Dawn, 8 May 2023), and at least 13 people were killed and more than 90 injured in clashes between Sunni and Shia tribes in July 2023. The dispute reportedly broke out over land, however, South Asia expert Pravda Parakkal states in an analysis for the Australian Institute of International Affairs that "sectarian undertones of conflict in the region" should be acknowledged (Parakkal, 24 August 2023). As of January 2024, shooting incidents reportedly continued (Business Recorder, 10 January 2024).

7.5 Kalash

RFE/RL and the BBC report on attacks by the TTP on villages inhabited by ethnic Kalash, an indigenous people with their own religion and traditions, in September 2023 (RFE/RL, 16 September 2023; BBC, 23 November 2023). The BBC quotes an official saying that religious groups were banned from the area "to control forced conversions by Islamist and Christian groups" but notes that people still claim to be exposed to forced conversions (BBC, 23 November 2023).

No further information on the situation of the Kalash could be found within the reporting period.

8 Violence against women and girls

8.1 Discrimination against women

The HRCP notes that women are subject to discrimination and marginalisation in the political, social and economic spheres (HRCP, 2023, p. 2). The USDOS similarly explains that women experience economic and legal discrimination, among other sectors, despite a legal ban on discrimination based on sex:

> "Women faced legal and economic discrimination. The law prohibits discrimination based on sex, but authorities did not enforce it. Women also faced discrimination in employment, family law, property law, and the judicial system." (USDOS, 20 March 2023, section 6)

According to the National Commission on the Status of Women (NCSW), a state institution, Pakistan is party to four international human rights treaties that "comprehensively cover gender equality", including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Sustainable Development Goals (SDGs) (NCSW, 7 June 2023, p. 6).

8.1.1 Political and social participation

According to Freedom House, political parties have women's divisions, and they are active during elections. However, women hardly ever occupy leadership roles in political parties or in the government (Freedom House, 2023, section B4; see also USDOS, 20 March 2023, section 3). The 2023 Global Gender Gap Report, published by the World Economic Forum, similarly points to the limited representation of women in politics:

> "Like most other countries, Pakistan's widest gender gap is on Political Empowerment (15.2%). It has had a female head of state for 4.7 years of the last 50 years, and one-tenth of the ministers as well as one-fifth of parliamentarians are women." (World Economic Forum, 20 June 2023, p. 29).

The USDOS explains that quotas are implemented by the authorities to ensure a minimum representation of women in elected institutions. In the National Assembly, 60 seats are reserved for women and are allocated to the parties based on their proportional representation in this legislative body. In the Senate, the number of seats reserved for women amounts to 17. Women may also run for directly elected seats but reportedly struggle to be elected outside of the reserved seats (USDOS, 20 March 2023, section 3). The Elections Act stipulates that parties shall include at least five percent female candidates in party lists for "elective offices", including Parliament and Provincial Assemblies (Elections Act, 2 October 2017, with amendments up to 5 August 2023, Section 206). In the context of the February 2024 general elections, the Islamabad High Court (IHC) reportedly asked the Election Commission for an explanation regarding the failure of several political parties to comply with this 5-percent-requirement for women candidates on their respective party lists. A petition in this sense was reportedly submitted to the IHC by the Aurat Foundation, a Pakistani non-profit organisation (Pakistan Today, 6 February 2024), and was publicly endorsed by the HRCP (@HRCP87, 6 February 2024).

12 female candidates were elected to the National Assembly on a general seat in the February 2024 elections (Pakistan Today, 12 February 2024).

The Elections Act also stipulates that if the turnout of female voters is less than ten percent of the total votes cast in a constituency, the Election Commission has the right to declare polling in one or more polling stations or in an entire constituency void, as it then may presume that women voters have been restrained from voting (Elections Act, 2 October 2017, with amendments up to 5 August 2023, Section 9). According to the USDOS, this law was applied for the first time in Khyber Pakhtunkhwa province in 2018, when the Election Commission declared the general election results in Shangla district void after less than 10 percent of women participated in the vote. The USDOS notes that when it comes to voting, women still face "cultural and traditional barriers in tribal and rural areas" (USDOS, 20 March 2023, section 3) and Freedom House explains that this occurs particularly in Balochistan and Khyber Pakhtunkhwa provinces where the influence of militant groups and societal restrictions is more pronounced (Freedom House, 2023, section B4). The HRCP similarly points to the low political participation of women in Khyber Pakhtunkhwa province, noting that in local government elections in March 2022, only 33 out of 3,000 female candidates competed for a general seat in the second phase of the elections, all others competed for reserved seats. 533 of these women-reserved seats remained uncontested since no female candidate applied for nomination. In the context of by-elections in October 2022, the turnout of women was less than 10 percent at 43 female polling stations, according to HRCP with reference to data collected by the Pakistani Free & Fair election Network (FAFEN) (HRCP, 2023, p. 114). FAFEN explains that in the February 2024 general elections there was, other than in 2018, no constituency where women voters constituted less than 10 percent of the total number of votes cast - although the FAFEN notes that in 20 constituencies there was no documentation of polled votes broken down by gender, as required by Rule 84(1) of the Election Rules (FAFEN, 14 February 2024, p. 4; see also Election Rules, 2017, with amendments up to 31 December 2023, Rules 82 and 84(1)).

The USODS explains that some conservative political parties dissuaded women from participating in political rallies (USDOS, 20 March 2023, section 3) and many politicians condemned women's marches as being against Islam and traditions (USDOS, 20 March 2023, section 2b). For the same reason, women's rights groups and events such as the yearly Aurat or Women's March (Aurat is Urdu for "Woman") face threats from religious and extremist groups. In its human rights report for 2022, the USDOS notes that many NGOs did not take part in the march as they had received direct threats and that some groups accused the organisers of the march of blasphemy and tried to press charges against them (USDOS, 20 March 2023, section 6; see also Al Jazeera, 8 March 2023). In July 2022, a council of local tribal elders in Salarzai tehsil (an administrative unit) in Bajaur district, Khyber Pakhtunkhwa province, reportedly banned women from visiting public picnic spots. The council was organised by the local chapter of the JUI-F party, according to the HRCP (HRCP, 2023, p. 114). In Gilgit-Baltistan, religious groups protested against a women's sports gala (HRCP, 2023, p. 214).

The DFAT similarly points to restrictions that women face in participating in public life:

> "Women's participation in society in Pakistan can be heavily curtailed depending on their social circumstances. Observation of the purdah (literally 'curtain', an Islamic practice of segregating women from unrelated men) restricts many women's personal, social and

> economic activities outside the home. While women in cities such as Lahore, Karachi and Islamabad often enjoy relative freedom, conservative rural communities are much stricter. There are reports of widespread sexual harassment of women and girls in public places, schools and universities. Some, mostly wealthy, Pakistani women have attained senior positions in public life, but their experience is not representative of the general population." (DFAT, 25 January 2022, p. 31)

8.1.2 Economic participation and employment

In 2023, Pakistan moved up three ranks in the Global Gender Gap Index and held rank 142 out of 146 countries, compared to rank 145 in 2022 (World Economic Forum, 20 June 2023, p. 293). While gender parity in the country is high in the sectors of educational attainment and health and survival (World Economic Forum, 20 June 2023, p. 293), it is relatively low with only 36.2 percent regarding economic participation and opportunities for women. In 2023, less than 5 percent of women professionals held senior positions, according to the report (World Economic Forum, 20 June 2023, pp. 12-13).

According to a report by the National Commission for the Status of Women (NCSW) in 2023, women constitute only 21 percent of the country's overall workforce, compared to the global percentage of 39 percent. The labour force participation of women aged 15 to 64 years is 26 percent, while for men it is 84 percent (NCSW, 7 June 2023, p. 10). More than half of the employed women (55 percent) work in unpaid jobs and 19 percent of women are self-employed. The report also points to a gender wage gap: while women working in a paid job earn a median wage of PKR 12,000 (USD 42.8) per month, men earn a median monthly wage of PKR 18,900 (USD 67.4). Moreover, 60 percent of women in the labour force have no education and more than half are illiterate, according to the report. More than 70 percent of all employed women have vulnerable jobs, that is, they work on their own account, in informal jobs or as family workers, and therefore often work in poor conditions, without a contract or social security and little payment (NCSW, 7 June 2023, p. 11). The NCSW points to some of the reasons why women are working in vulnerable jobs:

> "Several interconnected factors are responsible for the vulnerable employment of women, including lack of education and information that opens up opportunities for formal work; restrictions on working outside the home; social, cultural, and religious norms that restrict women to a few occupations and sectors; safety and security risks; and lack of safe and adequate transport services. This situation limits women from developing their full potential, enhancing their agency and financial empowerment as well as contributing meaningfully to the development of the nation." (NCSW, 7 June 2023, p. 12)

Moreover, the USDOS explains that according to civil society representatives, financial and credit services were accessible to only 7 percent of women (USDOS, 20 March 2023, section 6). HRW notes that in Sindh province, only 1.2 percent of Pakistan's women own land. However, after the floods of August 2023, the government reportedly provided support to the affected population, including by distributing land titles and financial aid to people who previously did not own any land. Of the 1.3 million beneficiaries of this measure, almost one third are women, according to HRW (HRW, 15 August 2023). On the other hand, Hana Zahir, Assistant Professor at Lahore University, notes in a blog post that legal ownership of a plot of land does not necessarily mean that women are able to profit from it, as the enjoyment of their rights might

be restricted by "patriarchal social norms". Based on her field research in Punjab province, Hana Zahir explains that women feel they have access over land when they receive the revenues from the use of the land, regardless of whether they legally own it or not. Having control over land appears to be more beneficial than having "only formal" land titles. She explains that women are reluctant to take legal action to claim their land rights, for several reasons: Firstly, because they continue to depend on male household members for support in terms of mobility and dealing with administrative land issues, secondly, because they fear an existing gender bias in institutions dealing with land rights, thirdly, because they fear social sanctions, and finally, because having a legal title to land might not mean that she actually has control over her land rights, as in practice control might only be transferred from one male household member to another. Zahir concludes that rather than just providing women with a "formal title over land", policy makers should focus on women's empowerment when pursuing land right reforms (Zahir, 20 February 2024).

8.1.3 Family Law

Freedom House notes that "[i]nheritance laws discriminate against women, and women are often denied their legal share of inherited property through social or familial pressure" (Freedom House, 2023, section G2). Similarly, the USDOS points to discrimination in terms of inheritance:

> "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. In addition, complicated family disputes and the costs and time of lengthy court procedures reportedly discouraged women from pursuing legal challenges to inheritance discrimination. The Punjab Women's Helpline received 1,424 complaints on problems concerning property and inheritance rights from January to August [2022]." (USDOS, 20 March 2023, section 6)

The Union of Catholic Asian News (UCA News) quotes the leader of a Christian women's organisation saying that Christians in her community did not register women in the family to prevent them from receiving their share of the inheritance. Some community members also did not get identity cards for their daughters as they believed that this was the responsibility of the daughters' future husbands (UCA News, 17 March 2023). Amnesty International notes that women often did not have Computerised National Identity Cards (CNIC) due to "cultural and economic barriers", leading to a reported gender disparity of 10 million in voter registration lists (Amnesty International, 10 November 2023; see also HRCP, 27 August 2022, p. 3).
According to the law, women can marry without their family's consent but in practice, women who did marry a partner of their choice against the will of their family often faced social exclusion or risked falling victim to "so-called honor crimes". Moreover, the USDOS notes that according to media reports, there were cases where marriage registrars manipulated Islamic marriage contracts to restrict women's rights in marriage or women were not fully informed about the provisions of the contract (USDOS, 20 March 2023, section 6). According to the law, a man reportedly can seek divorce at any time, but a woman cannot (DFAT, 25 January 2022, p. 31).

Despite legal protection, divorced women faced discrimination in practice:

> "Family law provides protection for women in cases of divorce, including requirements for maintenance, and sets clear guidelines for custody of children and their maintenance. Many women were unaware of these legal protections or were unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support, as their families ostracized them." (USDOS, 20 March 2023, section 6)

The HRCP points to a Supreme Court decision of October 2022, ruling that a mother's remarriage cannot be reason enough to deprive her of custody for her child (HRCP, 2023, pp. 166-167).

In a joint submission to the UN Committee on Economic, Social and Cultural Rights, the Brussels-based NGO Science for Democracy, the International Human Rights Center of Los Angeles-based Loyola Law School and the Pakistani NGO Aahung explain that abortion is banned by law - with very few exceptions - and is punished with imprisonment or the payment of "diyah". Diyah is a compensation payment that has to be paid by the woman or anyone who helped carry out the abortion to the "heirs of the victim", that is, to the family that could have inherited from the fetus. An abortion is permitted before "organs have formed" to save the life of the woman or to perform "necessary treatment". After organs have formed, an abortion is only permitted to save the woman's life (Science for Democracy et al., 2024, pp. 3-4; see also Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 338 (A-C)). The authors note that despite the ban, Pakistan is among the countries with the highest rate of abortions worldwide. Abortions are often carried out in secrecy and in unsafe conditions by untrained practitioners. Consequently, about one third of women experience complications when undergoing an abortion (Science for Democracy et al., 2024, pp. 3-4).

8.2 Forced marriage

The Pakistan Penal Code prohibits forced marriage and makes it punishable with imprisonment and a fine (Section 498B). The Code also prohibits the practice of Swara[48] (Section 310A) and criminalizes kidnapping, abduction, or coercion of a woman to compel her to marry against her will (Section 365B) (Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023).

Nevertheless, HRW notes that forced marriage is "a serious problem throughout Pakistan" (HRW, 11 January 2024).

Voicepk.net writes that Peshawar Police has reportedly registered 53 cases of forced marriage in 2023, including 35 women and 18 minor girls, with none of the persons accused in these cases punished so far. In most of the cases, the women or girl has first been abducted and then forced into marriage, according to the police quoted by the source (Voicepk.net, 19 January 2024).

USCIRF states that religious minority women – especially of Christian, Hindu and Sikh faith - remain at risk of becoming victims of forced marriage (USCIRF, May 2023, p. 35; see also

[48] "Swara (also known as Vani [Wani] and Budla-i-sulh) is a custom/tradition whereby women and girls belonging to the offender's family are given in marriage or servitude to the aggrieved persons as compensation for reconciliation in case of rivalry, murder, or abduction in order to settle the dispute" (Tahir, 8 November 2021).

USDOS, 15 May 2023, Executive Summary). PIPS points to an "established pattern of the abduction, forced marriage and conversion of young women and girls from minority faiths", especially in cases reported in Sindh and Punjab provinces. It notes that the practice continues "unabated" as police and judiciary fail to act decisively and political and religious pressure continue (PIPS, 12 April 2023, p. 2). For further information on forced marriages and religious minorities, see section 6.3 above.

The Express Tribune writes about the common practice of first-cousin marriages, noting that "due to the enormous familial and social pressure", people continue with the practice despite the increased risk of genetic diseases due to intra-family marriages (The Express Tribune, 25 September 2022; see also DW, 2 July 2022). Gallup Pakistan notes that 49.6 percent of Pakistani women in 2017-18 said they had married their first cousin (Gallup Pakistan, 28 August 2023).

The Guardian describes the case of a young woman who is struggling against being forced into a so-called Ghag marriage by a man of her community. Ghag reportedly persists in the tribal area in Khyber Pakhtunkhwa province, although it was banned by the provincial government in 2013. The practice consists in a man publicly announcing his intention to marry a girl or woman with or without her or her family's consent. In the above-mentioned case the marriage claim had been made when the girl was twelve years old and had been rejected by her family. Nevertheless, when she got engaged at the age of 25 with another man, her fiancé's family was pressured to break the engagement by the man who had made the Ghag claim and who still insisted on enforcing it. The woman's brother has reportedly taken the case to the court after the council of tribal elders "failed to act" but is quoted saying that "he has received death threats, and that everyone in the tribal district fears approaching his sister" (The Guardian, 19 December 2023).

The USDOS points to another practice of enforced marriage – Swara. The practice (which is prohibited by law, see above) was declared to be against Islam by the Federal Sharia Court in 2021 but continues to be applied by local tribal councils:

> "Large landholders and other community leaders in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas sometimes held local council meetings (*panchayats* or *jirgas*) outside the established legal system, at times with the support of local police officials. […]
>
> These councils, meant to provide 'speedier justice' than traditional courts, in some instances also issued decisions that significantly harmed women and girls. For example, women, especially young girls, were affected by the practice of *swara*, in which girls are forced into marriage to compensate for a crime committed by their male relatives. The Federal Shariat Court declared swara to be against the teachings of Islam in 2021." (USDOS, 20 March 2023, section 1e)

Similarly, the HRCP notes in a report about a fact-finding mission report to South Punjab "that women in the Seraiki tribal belt bordering Balochistan in the Koh-i-Suleman area remained

vulnerable to harmful customary practices such as Wani, Kala Kali[49] and Swara, even though such practices are illegal" (HRCP, 27 August 2022, p. 2).

8.3 Gender-based violence, including rape, murder, acid attacks and domestic violence

8.3.1 Prevalence of violence against women

HRW points to the prevalence of violence against women and girls across the country:

> "Violence against women and girls – including rape, murder, acid attacks, domestic violence, denial of education, sexual harassment at work, and child and forced marriage — is a serious problem throughout Pakistan." (HRW, 11 January 2024).

The HRCP explains that according to police reports, there were 3,901 rapes, 325 gang rapes, 316 honour crimes, 61 acid attacks and 1,022 domestic violence incidents registered across the country in 2022 (HRCP, 2023, p. 23). Data for 2023 was not available within the reporting period.

In Punjab province, incidents of gang-rape, murder and acid crimes increased in 2022 compared to the year before, while other crimes such as rape, honour killings and domestic violence showed "a marginal decrease", according to the HRCP (HRCP, 2023, p. 37). Similarly, the Punjab Commission on the Status of Women (PCSW), a provincial government institution, notes in its Gender Parity Report for 2022 that acid burnings recorded the highest increase, with 41 cases, compared to 34 in 2021. Overall, kidnappings were the most reported crime in Punjab province in 2022, with 17,316 cases of the total of 34,854 reported cases of violence against women (PCSW, 2023, p. 212). Also in Sindh province, kidnappings were the most reported crime: 72.7 percent (1,865 cases) of all cases of gender-based violence recorded by the police in the period January to October 2022 were cases of kidnapping, according to the Pakistani non-governmental organisation Sustainable Social Development Organization (SSDO). 58.4 percent of all cases of kidnapping occurred in Karachi alone. The main reasons for kidnappings were either revenge and rivalry, or they were sexually motivated, sometimes by the intention to rape the woman (SSDO, 9 December 2022, p. 2).

8.3.2 Rape

The USDOS explains that rape is a criminal offense that carries a minimum sentence of 10 years and up to 25 years of imprisonment and a fine, or even the death penalty. If found guilty of raping two or more people, the punishment is either life in prison or death. The law defines rape as a crime committed by a male against a woman. The USDOS further explains that the law also allows for the collecting of DNA evidence, protects rape victims from having their names disclosed and protects their right to legal representation, relaxes reporting obligations for female survivors, and increases penalties for rape of survivors who have physical or mental

[49] Kala Kali means "honour killing". The term is used in Punjab province. Honor killings are referred to as Tor Tora in Khyber Pakhtunkhwa province, Karo Kari in Sindh province and Siyahkari in Balochistan province (Afzal et al., 2021, p. 17).

impairments (USDOS, 20 March 2023, section 6; see also Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Section 375-376).
Rape within a marriage is not considered a crime (USDOS, 20 March 2023, section 6; DFAT, 25 January 2022, p. 31).
According to the USDOS, rape is common but rarely prosecuted and reliable statistics on rape were not available due to underreporting (USDOS, 20 March 2023, section 6).
The SSDO notes that while sexual abuse continued to be one of the "most pervasive forms of gender-based violence", the number of cases of sexual abuse reported to the police is far below the number of kidnapping cases. In Sindh province, 142 cases of sexual abuse were reported to the police in the period January to October 2022, including rape (93.7 percent), gang rape (4.9 percent) and incest (1.4 percent). In 10 cases the victim was an underage girl (SSDO, 9 December 2022, p. 2). According to the SSDO, there is presumably "vast underreporting" of cases of sexual abuse due to the fear of being shamed by one's community (SSDO, 9 December 2022, p. 3). The HRCP notes that according to media reports, 414 cases of sexual assault have been reported in Sindh province in 2022 – an increase of 200 percent compared to 2021 -, with a conviction rate of less than 1 percent (HRCP, 2023, p. 80).
In Punjab province, 3,656 cases were reported to the police in 2022, according to the HRCP (HRCP, 2023, p. 48), while the Punjab Commission on the Status of Women (PCSW) writes about 3,914 reported cases of rape and 268 cases of gang-rape in 2022, citing the office of the inspector general of police in Punjab as the source (PCSW, 2023, p. 212). The HRCP notes that cases of rape continued to be reported by the media, including the gang rape of a pregnant woman and two cases of men raping their daughters. However, the HRCP notes, "the level of prosecution and investigation of rape incidents remained low" (HRCP, 2023, p. 48).
Rape cases were presumably also underreported in the autonomous region Azad Jammu and Kashmir (AJK):

> "Cases of sexual harassment and rape that were often reported in local media outlets remained missing from official records. No incident of gang rape was reported this year, while 14 cases of rape and 320 cases of zina [adultery] were reported in the entire region. The police were often blamed for registering rape cases under zina sections to allow for out-of-court settlements between parties. It is believed that the majority of victims of harassment and rape avoided reporting such cases due to cultural barriers such as victim-blaming and lack of trust in redressal systems." (HRCP, 2023, p. 194)

The USDOS points to some of the difficulties that victims of rape experience when attempting to access justice:

> "NGOs reported police sometimes accepted bribes from perpetrators, abused or threatened victims, and demanded victims drop charges, especially when suspected perpetrators were influential community leaders. Some police demanded bribes from survivors before registering rape charges, and investigations were often superficial. There were reports of traditional jirga or panchayat systems of community justice, typically used to resolve low-level disputes, or cases of rape in rural areas. The traditional system may have resulted in a survivor being forced to marry the attacker, or a family member on the survivor's side being allowed to rape a family member of the accused/defendant's side. Women who reported or spoke up against violence against women often faced pushback

and harassment, including by police officials, who, according to civil society activists, discouraged survivors from coming forward." (USDOS, 20 March 2023, section 6)

8.3.3 Murder / "honor killings"

RFE/RL quotes a Pakistani lawyer saying that the law on honour killings was not "fully enforced". RFE/RL explains that honour killings were subject to harsher punishments than homicides and that persons convicted for honour killings – in contrast to those convicted for homicide - cannot be pardoned by the victim's family under Islamic law. However, according to the lawyer quoted by RFE/RL, in police reports, honour killings were often registered as murder cases, which consequently allowed for the pardoning of the perpetrator (RFE/RL, 30 November 2023). The USDOS notes that often officials allowed the man involved in the alleged honour crime to escape (USDOS, 20 March 2023, section 6).

The DFAT points to the notion of perceived dishonour related to so-called honour killings:

> "So-called 'honour killings', in which family members murder relatives perceived to have brought dishonour on the family, are common in Pakistan. Human Rights Watch estimates there are about 1,000 honour killings[50] in Pakistan each year. Honour killings can be carried out in response to behaviour including refusing an arranged marriage, forming an unapproved romantic attachment, or 'immodest' dress or behaviour, including social media posts. While young men can be targets of honour killing, most victims are female. Once a threat of honour killing is established, the victim remains at risk even if he or she relocates. In some cases, victims have been killed years after the initial transgression. In tribal areas honour killings are sometimes ordered by traditional jirga councils." (DFAT, 25 January 2022, p. 32)

The SSDO notes that 80 cases of honour killings were reported in Sindh province in the period January to October 2022, with more than half of these cases (57.5 percent) occurring in Larkana. The SSDO explains that often women were killed by their families for choosing their own marriage partner or pursuing an education or career. In addition, in 114 cases women reportedly died as a result of domestic violence and in 3 cases the murder victim was an underage girl (SSDO, 9 December 2022, p. 3). The HRCP presents different numbers: According to the Commission, there was a total number of 215 honour killings reported in Sindh province in 2022, with 132 of them occurring in Larkana. At the same time, the HRCP notes that Sindh police reported 98 cases. HRCP also points to other cases of women being killed, including underage girls. Perpetrators were in many cases husbands or other male family members (HRCP, 2023, pp. 80-81).

According to the Gender Parity Report for 2022 by the PCSW, 176 women were killed in honour killings in Punjab province in 2022. Moreover, domestic violence cases included 395 cases of murder and 157 cases of attempted murder (PCSW, 2023, p. 207). The Human Rights Council of Balochistan (HRCB) explains that in Balochistan province, 15 women were killed in the name of honour in 2022, and that during the year, honour killings "remained on the rise". Moreover,

[50] HRW notes in August 2019 that Pakistani rights activists estimate the number of honour killings per year at about 1,000 (HRW, 22 August 2019).

in some areas, honour killings were "practiced under the supervision of police and tribal leaders", according to the HRCB (HRCB, 28 March 2023).
Honour killings and violence against women occurred also in Khyber Pakhtunkhwa province: Honour killings included the killing of three women, including two sisters, by their brother in August 2022, the killing of a seminary teacher by male family members and of a mother and her daughter by the woman's husband and his family, in September and October 2022, respectively. A woman and her alleged lover were killed by her brother-in-law in February 2022, a pregnant woman was tortured and killed by her husband and father-in-law in September 2022, another woman was killed in the following month by her husband and mother-in-law. The Peshawar High Court ordered the provincial government to protect a woman and her husband. Male family members of the woman had set killers on her for taking a husband of her own choice (HRCP, 2023, pp. 114-115). One case of honour killing was reported to the HRCP from Gilgit-Baltistan (HRCP, 2023, p. 214)
In November 2023, a woman was killed by her father, after photos of herself with another woman and two men appeared on social media, according to RFE/RL. The killing was reportedly ordered by the local tribal council (jirga). The other woman and one of the other men were put under police protection and the father was reportedly charged for murder (RFE/RL, 30 November 2023).
Dawn reports in May 2022 on the killing of two Spanish-Pakistani sisters by their husbands, their brothers, and an uncle. The sisters had reportedly been forcefully married to their first cousins who killed them when the women refused to help get them visas for Spain (Dawn, 23 May 2022). The Guardian notes in this context that it was "not uncommon for parents with dual citizenship to force their daughters to marry cousins in Pakistan to secure European visas" (The Guardian, 24 May 2022; see also AP, 27 February 2023). In February 2022, a man who had been given a life-long prison sentence for killing his sister, a well-known social media figure, over her "intolerable" behaviour was released from prison after his mother pardoned him (RFE/RL, 30 November 2023).

8.3.4 Acid attacks / disfigurement

The DFAT explains that laws criminalising violence against women were enforced to varying degrees. Some, such as the law against acid attacks have been "very effective", with an 80 percent decline in acid attacks since 2014, according to "in-country sources" cited by the DFAT (DFAT, 25 January 2022, p. 31).
The USDOS notes that the law criminalises "maiming or killing using a corrosive substance" and imposes high penalties on convicted perpetrators (USDOS, 20 March 2023, section 6). The Punjab Commission on the Status of Women (PCSW) notes that the Acid Control and Acid Crime Prevention Act of 2010 recognises acid attacks as a separate crime and explains that the Act became the Criminal Law (Second Amendment) Act in 2011, making such attacks punishable with life imprisonment or imprisonment of at least 14 years and a fine (PCSW, 2023, p. 219; see also Pakistan Penal Code, 6 October 1860, with amendments up to 18 July 2023, Sections 336A and 336B).
Nevertheless, the USDOS notes that acid attacks reportedly continue and often go unpunished:

> "There were reports that the practice of disfigurement – including cutting off a woman's nose or ears or throwing acid in her face, in connection with domestic disputes or so-called

> honor crimes – continued and that legal repercussions were rare." (USDOS, 20 March 2023, section 6)

The HRCP notes that 61 acid attacks had been registered in 2022, according to police reports (HRCP, 2023, p. 23), including 59 cases in Punjab province and 2 cases in Sindh province (HRCP, 2023, pp. 37; 71). On the other hand, the PCSW states that according to the Punjab office of the inspector general of police, 41 acid attacks were registered in Punjab province in 2022 (PCSW, 2023, p. 219). The SSDO writes about 10 cases of burning in Sindh province in the period January to October 2022, including stove burning and acid violence (SSDO, 9 December 2022, p. 3).

A woman died after an acid attack on her and her 12-year-old son in Kot Addu, Punjab province, in May 2022, reportedly because she had rejected the advances of one of the suspects (Dawn, 27 May 2022). Similarly, a woman and her minor daughter died after an acid attack in Lahore in June 2022 (HRCP, 2023, p. 48). In February 2023, a Christian woman was reportedly attacked and seriously injured by a Muslim neighbour who had been harassing her for several years (PIPS, 12 April 2023, p. 4).

8.3.5 Domestic violence

Amnesty international notes that the Domestic Violence (Prevention and Protection) Bill of 2021 was not enacted by the National Assembly, although it had been passed by the Senate in 2021 (Amnesty International, 27 March 2023). Already after its passage, the Bill was sent to the Council of Islamic Ideology (CII), who expressed concern over several "un-Islamic injunctions" and recommended revising the Bill (Voicepk.net, 11 August 2021).

The USDOS notes that although laws against domestic violence have been enacted in the four provinces and the capital city, implementation was reportedly slow (USDOS, 20 March 2023, section 6).

The National Commission for Human Rights (NCHR), a governmental institution, describes women's difficulties in reporting cases of domestic violence:

> "Institutions such as police or judiciary are often heavily male dominated and uncooperative when dealing with cases of domestic violence. In Pakistan women comprise a mere 1.5% of the police force. Complaints against abusers are frequently dismissed by the police as a 'private matter or ghar ki baat' and mediation is encouraged by other parties namely relatives. Majority of police request victims to sign a razi nam [reconciliation agreement] & go back home." (NCHR, March 2023, p. 10)

The DFAT points to high rates of gender-based violence:

> "Rates of gender-based violence are high. The Pakistan Demographic and Health Survey 2017-18 found 27.6 per cent of ever-partnered women aged 15-49 had experienced physical violence, mostly at the hands of their husbands. NGOs claim the actual prevalence is much higher. NGOs and government officials report domestic violence has risen sharply during COVID-19." (DFAT, 25 January 2022, p. 31)

The Human Rights Commission of Pakistan (HRCP) notes that according to police reports, 1,022 cases of domestic violence have been registered across Pakistan in 2022 (HRCP, 2023, p. 23), including 695 cases in Punjab province, 161 cases in Sindh province, 465 cases in Khyber

Pakhtunkhwa province, 157 cases in Balochistan province and 9 cases in Islamabad (HRCP, 2023, pp. 37, 71, 107, 140, 155).
Other sources provide different figures: The Punjab Commission on the Status of Women (PCSW) states with reference to the Punjab office of the inspector general of police, that 1,129 case of domestic violence have been reported in the province in Punjab province in 2022, including 577 cases of beating, 395 cases of murder and 157 cases of attempted murder (PCSW, 2023, pp. 214-215). The SSDO indicates with reference to Sindh police, that 350 cases of domestic violence have been reported in Sindh province in 2022, and almost the same number (346 cases) in 2023 (SSDO, 10 March 2024). More than 25 cases of domestic violence were reportedly registered with the HRCP office in Gilgit-Baltistan, with women as the victims in most of these cases. However, the HRCP notes that cases of violence against women were often underreported. In one case, a woman reportedly committed suicide, accusing her in-laws of domestic violence in a written notice she left behind (HRCP, 2023, p. 214).
The NCHR points to several factors that enable domestic violence, including patriarchal culture, gender inequality, lack of awareness of the harmful effects of domestic violence, women's economic dependence on men and social stigma attached to divorce that hinders them to get out of abusive relationships, as well as religious beliefs. Moreover, the NCHR notes, there are institutional obstacles that women face in reporting domestic violence as well as in accessing justice and redress (NCHR, March 2023, pp. 9-10). For more information on state protection for survivors of GBV, see below, see section 8.4.

8.3.6 Harassment

Several laws criminalise harassment, including the Protection Against Harassment of Women at Workplace Act of 2010, the Punjab Protection against Harassment of Women at the Workplace Act of 2012 and the Balochistan Harassment of Women at Work Place Act of 2014 (NCSW, undated). The USDOS notes in its human rights report for 2022 that the Khyber Pakhtunkhwa Assembly passed its provincial law for the prevention of the harassment of women (USDOS, 20 March 2023, section 6). The HRCP explains that in Gilgit-Baltistan the provincial law against workplace harassment was passed in 2013 but has so far not been implemented "properly" while the code of conduct related to this law has not yet been shown at workplaces (HRCP, 2023, p. 214). HRW points out that Pakistan has not ratified the International Labour Organization Violence and Harassment Convention (C190) (HRW, 11 January 2024).
The Protection Against Harassment of Women at Workplace Act of 2010 requires the federal government and all provincial governments to each appoint an ombudsman[51] (Protection against Harassment of Women at the Workplace Act, 9 March 2010, Section 7). The USDOS notes that as of 2022 all provinces and Gilgit-Baltistan had ombudsmen (USDOS, 20 March 2023, section 6). In 2022, the Protection Against Harassment of Women at Workplace Act of 2010 was amended to include provisions on protection against harassment, gender discrimination and a hostile workplace environment for women (HRCP, 2023, p. 223; see also

[51] The 2022 Amendment Act replaces "ombudsman" with "ombudsperson" (Protection against Harassment of Women at the Workplace (Amendment) Act, 21 January 2022).

Protection against Harassment of Women at the Workplace (Amendment) Act, 21 January 2022).

Nevertheless, the USDOS notes that harassment was "reportedly widespread" (USDOS, 20 March 2023, section 6) and HRW states with reference to the Federal Ombudsman Secretariat for Protection Against Harassment (FOSPAH) that according to statistics, instances of sexual harassment in the workplace have risen and women were disproportionally more affected than men (HRW, 11 January 2024). The NCHR indicates that it is working on a joint study with UN Women on harassment in educational institutions, especially in Sindh and Balochistan provinces, after the Commission had been informed about a rising number of suicides by female students, that appear to be due to harassment (NCHR, June 2023, p. 27).

8.4 State protection and services for survivors of GBV

The DFAT explains that laws criminalising violence against women were enforced to varying degrees (DFAT, 25 January 2022, p. 31).

Freedom House states that gender-based violence often goes unpunished. While victims have to register a "first information report" (FIR) of a crime, police are often reluctant to follow up on complaints of crimes against women, including in case of honour crimes (Freedom House, 2023, section F4).

The DFAT mentions several measures taken by the federal and provincial governments to improve official responses to gender-based violence (GBV):

> "Federal and provincial governments have tried to improve official responses to gender-based violence, including through establishing GBV courts and women's police stations, available in some major cities. In May 2021, police opened a Gender Protection Unit with a 24- hour hotline in Islamabad, which handled more than 500 complaints in its first three months." (DFAT, 25 January 2022, p. 31)

The USDOS notes that by the end of 2022, special GBV courts were operating across the country and that the Lahore GBV Court dealt with the most serious cases (for example, aggravated rape) in the district and provided women and girls with "enhanced protections" (USDOS, 20 March 2023, section 6). In a document provided to the Senate, the Islamabad police presents special measures that have been introduced in response to a rise in rape crimes, including, among others, the establishment of a Special Sexual Offence Investigation Unit and a Gender Protection Unit at the Police Facilitation Centre in F-6 Markaz (a sector in the capital territory of Islamabad) that is accessible for victims via the 1815 helpline. Female police working in three shifts are reportedly available at the centre around the clock (Dawn, 24 June 2022). In Punjab, police have reportedly launched the Punjab Police Women Safety App that allows women to directly contact police and rescue services in case of an emergency (SSDO, 30 November 2022, p. 3). The USDOS points to a lack of medical services available for victims of rape:

> "The use of rape medical testing increased, but medical personnel in many areas did not have sufficient training or equipment to gather evidence and undertake investigations, which further complicated prosecutions. Most survivors of rape, particularly in rural areas, did not have access to the full range of treatment services. There were a limited number of women's treatment centers, funded by the federal government and international donors. These centers had partnerships with local service providers to create networks

> that delivered a full spectrum of essential services to rape survivors." (USDOS, 20 March 2023, section 6)

The DFAT explains that it was difficult for women to relocate when trying to leave an abusive relationship (DFAT, 25 January 2022, p. 31) as public shelters could be entered and left only with a court order and reportedly had "prison-like" conditions, while private and NGO-run shelters were not able to cover the demand (DFAT, 25 January 2022, p. 32). The USDOS describes in more detail the services available to victims of GBV:

> "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. Officials later referred victims to *dar–ul–amans* – shelter houses for abused women and children – of which there were several hundred throughout 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, but who in fact were survivors of rape or other abuse.
>
> Government centers lacked sufficient space, staff, and resources. Many overcrowded dar-ul-amans 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, individuals reportedly abused women at the government-run shelters, and staff severely restricted women's movements or pressured them to return to their abusers. There were reports of women exploited in commercial sex and sex trafficking in shelters. Some shelter staff reportedly discriminated against the shelter residents, based on a belief that if a woman fled her home, it was because she was a woman of ill repute." (USDOS, 20 March 2023, section 6)

Similarly, the NCHR, UN Women and Aurat Foundation note in a joint needs assessment of selected government shelters and women centres that according to respondents of their study people perceived shelters to be "havens for 'bad' women" and therefore community support for shelters was unavailable (NCHR et al., 7 December 2023, p. 18).

9 Situation of children

9.1 Access to education

Pakistan's Constitution grants the right to free and compulsory education to children aged 5 to 16 years old, in a manner as determined by law (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 25A). According to the Pakistan Education Statistics 2021-22 report by the Pakistan Institute of Education (PIE), the country's education system includes 313,418 public and private educational institutions, including 43,613 religious schools (Deeni Madaris), all of them privately managed. While 87 percent of all primary schools are public, 44 percent of all pupils enrolled in primary school attend a private sector school (PIE, 22 January 2024, p. 28). This difference narrows down to an almost equal level of enrolment in public and private schools at middle and higher levels of education (PIE, 22 January 2024, p. 32).

Overall, 39 percent of children are out of school across the country, with rates increasing from primary level (36 percent) to high (44 percent) and higher secondary (60 percent) levels. Similarly, the gender gap starts at primary level with 39 percent of females out of school compared to 32 percent of males and widens across subsequent levels, with the percentage of females not attending school being "consistently higher than that of males" (PIE, 22 January 2024, p. 51). In total, more than 26 million children do not attend school:

> "The total number of 26.21 million out-of-school children from primary to higher secondary education is significant, emphasizing the scale of the challenge. Majority of the OOSC [out-of-school-children] are in primary level. There are 5.80 million out-of-school girls compared to 4.97 million out-of-school boys, resulting in a total of 10.77 million out-of-school children of primary age group. 2.83 million girls compared to 2.11 million boys (total 4.94 million children) are out of school with age group of middle education. A similar number is observed in secondary education age group where 4.55 [million] children are out of school of which 2.24 million are girls." (PIE, 22 January 2024, p. 51)

PIE points to the relationship between socioeconomic status and school attendance: The poorest quintile of the population is also the group with the highest number of out-of-school children. While at primary level 51 percent of children from this quintile are not attending school, the percentage increases with lower secondary (55 percent) and upper secondary (75 percent) levels. Nevertheless, access to higher education remains challenging for all income groups, according to PIE, since even among the richest quintile, 14 percent of children are not attending school at upper secondary level (PIE, 22 January 2024, p. 57).

The average survival rate to grade 5 – that is, the percentage of children completing the first five years of school - is 77 percent. The regions of Azad Jammu & Kashmir and the Islamabad Capital Territory have high rates of 94 percent and 93 percent, respectively, followed by Punjab province at 83 percent, where both genders show relatively high survival rates (81 percent for males and 84 percent for females). On the other hand, Balochistan province presents the lowest rate at 58 percent, with only a slight difference between males and females, while Sindh's survival rate is slightly higher at 62 percent, with no gender disparity. Khyber Pakhtunkhwa province records a 68 percent survival rate, with males at 73 percent and females at 62 percent (PIE, 22 January 2024, p. 60).

According to the provisional 2023 Annual Status of Education Report (ASER)[52] published by the Pakistani Centre of Education and Consciousness Public Trust (Idara-e-Taleem-o-Aagahi (ITA)), about 14 percent of children in the country's rural areas are not attending school, with 5 percent of these children having dropped out of school at some point. As the main reasons for leaving school, respondents named Covid-19 (31 percent) law and order (with no further specification) (20 percent), migration (19 percent), poverty (10 percent), and other reasons (20 percent), including, among others, child labour, child marriage and academic difficulties (ITA, 8 March 2024, p. 21). The highest drop-out rate (31 percent) reportedly occurs after grade 5:

> "ASER 2023 shows that 31% of the children leave school after grade 5 which is the highest in any grade. Covid-19 accounts for 44% and poverty (13%) of the reasons for dropping out followed by law and order (12%) at this level. The government should incentivize and put a check at grade 5 where most of the children change schools, which at times are not available in the same village, therefore they are left with no choice but to leave schools." (ITA, 8 March 2024, p. 24).

Moreover, 20 percent of households noted that their children's schooling was "extremely affected" by last year's natural disasters and floods (ITA, 8 March 2024, p. 67). The Asian Development Bank (ADB) also notes that drop-out rates are higher in regions affected by conflict and disasters, but also in hard-to-reach regions, where it is more difficult to provide for schools and teachers and where travelling to school is difficult, especially for girls (ADB, February 2022, p. 3). The World Bank similarly explains in the context of a road-construction project in Khyber Pakhtunkhwa (KP) province that unsafe and too-long school commutes have a detrimental impact especially on girls' school attendance (The World Bank, 8 September 2022) and notes in another report that "[a]mong the top barriers to children's enrollment and progression in school are high cost, distance to schools, perceived poor quality of education, and shortage of teachers" (The World Bank, 1 May 2023, p. 131).

The Government of Pakistan explains in its state report to the UN Committee on the Rights of the Child that it has launched a specific programme to address the issue of out-of-school children. The Waseela-e-Taleem programme reportedly provides stipends to poor families with children from 5 to 12 years old for the enrolment of their children in primary schools. In addition, the Government points to several other initiatives aimed at promoting school enrolment and at preventing children from dropping out of school (Government of Pakistan, 7 February 2024, pp. 10, 30). The Government also mentions the establishment of 159 Centres for Rehabilitation of Child Labourers across the country, providing former child labourers with free education and a stipend (Government of Pakistan, 7 February 2024, p. 35).

In a submission to the Committee for Economic, Social, and Cultural Rights, the Sindh Bachao Tehreek (SBT) - a Karachi-based organisation that has been working against forced evictions since 2021 - points to so-called "ghost schools" and to a lack of teachers and facilities in Balochistan and Sindh provinces. It further notes that inadequate washrooms and water

[52] The ASER survey for 2023 presents data from a countrywide survey (except for the capital territory), covering 84,882 households in 151 rural districts in the period September to November 2023 and collecting data for 212,537 children from the age of 3 to 16 years (ITA, 8 March 2024, p. 64).

facilities prevented families from sending their daughters to school (SBT, January 2024, p. 7). The Express Tribune explains in an article on the closure of "ghost schools" in October 2022 that these are "non-functioning schools that continue to exist only on paper". The schools were reportedly closed during raids in the Central Kurram region (Khyber Pakhtunkhwa province) following public complaints that teachers were not present at schools during working hours. Moreover, school registers reportedly were found to contain the names of teachers who had been away from school for many years but still received salaries and benefits (The Express Tribune, 25 October 2022). Pakistan Today similarly writes about such "ghost teachers" and notes that rural areas were more affected by the phenomenon:

> "The most direct consequence of ghost teachers is the grave educational void they leave behind. As these teachers fail to show up, students, especially in remote areas, remain deprived of their basic right to education. This neglect leads to alarming rates of illiteracy. According to a UNICEF article, Pakistan has the second-highest number of out-of-school children globally, with the ghost teacher phenomenon significantly contributing to this statistic. The ripple effect of this is the widening educational disparity, where urban areas with better oversight progress, while rural regions, affected more by the phenomenon, fall even further behind." (Pakistan Today, 10 September 2023)

A girls' school in Bannu, Khyber Pakhtunkhwa province, was set on fire at the end of December 2023. The attackers remain unknown; however, they reportedly left a note at the site, mentioning the Tehreek-e-Taliban Pakistan (TTP) (Arab News, 1 January 2024). Arab News and the DFAT note that militant groups are targeting girl's schools (Arab News, 1 January 2024) and female teachers (DFAT, 25 January 2022, p. 32).

9.2 Child labour

According to the NCHR, about 3.3 million children are involved in child labour across the country (NCHR, June 2023, p. 31).

Based on a variety of sources, the USDOL indicates that children work in several sectors, including agriculture (harvesting, fishing) and industry, doing jobs like manufacturing glass bangles, jewellery or surgical instruments, weaving carpets, or working in brick production, mining, and construction. Moreover, children are employed in the service sector, including domestic work, or they work in hotels, restaurants, gas stations, car repair shops and in shoe shining. Children are also involved in sorting garbage and recyclables, begging and street vending. Sometimes, children are also submitted to forced labour (see below) (USDOL, 26 September 2023). UNICEF notes that "[m]any, if not most children who work, are working in Pakistan's large informal sector, which accounts for as much as 72% of jobs outside of agriculture" (UNICEF, 30 August 2023, p. 15).

In a study on child labour in waste picking of July 2023, the International Labour Organisation (ILO) mentions several factors that push children into work, including intergenerational poverty, large families, and the fact, that parents who are often themselves illiterate, give little value to education and rather push their children to work and contribute to the household income at a very young age (ILO, 12 July 2023, p. iv).

In Balochistan province, more than 15,000 underage children are reportedly working at construction sites, in coal mines, at garbage collection or in automobile workshops. The Express

Tribune quotes the president of the All Pakistan Labour Federation saying that these children were orphans or had to work to support their families (The Express Tribune, 14 June 2022).
According to the Gilgit-Baltistan Child Labour Survey (GBCLS) – part of a nationwide survey on child labour – 14.3 percent of children 5 to 17 years old in Gilgit-Baltistan province are working, with almost of all of them (91.2 percent) being in child labour (Government of Gilgit-Baltistan, 27 October 2021, p. 24). This includes "by definition all children aged 5-13" and "more than 4 in 5 working children aged 14–17", who are working in an unhealthy environment, too many hours and/or at night, with hazardous tools/machinery or in hazardous industries/occupations (Government of Gilgit-Baltistan, 27 October 2021, p. 23).

9.2.1 Legislation and enforcement

DFAT notes that Article 11(3) of the Constitution bans children under the age of 14 from working in factory or mine or other hazardous employment (DFAT, 25 January 2022, p. 33; see also Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018). Child labour-related laws on provincial level include the Khyber Pakhtunkhwa Prohibition of Employment of Children Act (2015), the Punjab Prohibition of Child Labour at Brick Kilns Ordinance (2016) (DFAT, 25 January 2022, pp. 33-34) and the Sindh Prohibition of Employment of Children Act of 2017 (ILO, 12 July 2023, p. 16).
UNICEF explains that there is no national law fully banning child employment. The Child Employment Law of 1991, while being a national law, primarily regulates the types of work that children can do and the number of hours they can legally work. UNICEF notes that creating a cohesive legal or policy approach to tackle child labour is challenging for several reasons: Firstly, because a comprehensive national law banning child employment is absent, and secondly, because child labour is regulated at the provincial level, leading to inconsistent enforcement. Following the murder of an eight-year-old child domestic worker, legislators reportedly passed an amendment to the Child Employment Law of 1991, banning child domestic labour in August 2020, which applies only to the territory of Islamabad but can serve as a precedent for other provinces, according to UNICEF (UNICEF, 30 August 2023, p. 88).
The USDOL notes that the issue of child labour was addressed insufficiently by the authorities:

> "Pakistan's provincial labor inspectorates do not have sufficient human and financial resources, and enforcement data are unavailable. Furthermore, police corruption, particularly the taking of bribes from suspected perpetrators to ignore child labor crimes and a lack of willingness to conduct criminal investigations, hindered Pakistan's ability to address child labor throughout the country." (USDOL, 26 September 2023)

The Punjab Labour Department reportedly carried out more than 6,000 inspections at brick kilns, discovered 239 instances of child labour and arrested 60 persons in 2022 (USDOL, 26 September 2023).

9.2.2 Domestic labour

One in four households reportedly employs children as domestic workers:

> "One in every four households in Pakistan employs a child in domestic work, predominantly girls, aged 10 to 14 years. Additionally, a subset of these children is trapped in cycles of

> bonded labour even with legislation against the employment of children." (NCHR, June 2023, p. 31)

The USDOS writes in its Trafficking in Persons report for 2022 about an estimated number of 264,000 child domestic workers and notes that despite reports about physical and sexual abuse and forced labour, these children were not covered by provincial labour laws and protections (USDOS, 15 June 2023). HRW similarly notes in its annual human rights report for 2023 that children continued to be employed as domestic workers although there were attempts to ban the practice, and points to reports of child domestic workers being beaten and mistreated by their employers (HRW, 11 January 2024). According to the US Department of Labour (USDOL), child domestic workers in some cases "work under conditions of forced labor, experiencing debt bondage, sexual assault, and physical abuse" and explains that since the 2022 floods, an increased number of children sought employment as domestic workers to repay their parents' debts to landlords (USDOL, 26 September 2023).
The ILO notes that girls are more likely to work in the private sphere, especially as domestic workers, than on the streets. If they do, they are more likely to work as part of a family group selling flowers, begging, or cleaning windshields, according to ILO (ILO, 12 July 2023, p. 20).

9.2.3 Waste picking

In its study on child labour in waste picking of July 2023, the ILO notes that children from vulnerable communities – and predominantly boys - are particularly likely to get involved in collecting waste:

> "Children in vulnerable communities – such as Afghan refugees, ethnic or religious minorities, and those living in slums – are especially likely to be involved in waste-picking, particularly when their parents or families also collect waste.
>
> Children usually start waste-picking at a very early age, often alongside their fathers or other family members. The vast majority are boys and most of these children have never been to school. Once they begin earning, they are unlikely to stop waste-picking. They work long hours, covering long distances on foot even in extreme weather, and sift through unhygienic, dangerous or sometimes toxic materials – exposing them to the risk of injury and health problems. They face social stigma, verbal abuse and even physical violence." (ILO, 12 July 2023, p. iv)

The Nation writes that three children were injured in an explosion near a hospital in Quetta in January 2024. According to a high-ranking police officer quoted by The Nation, explosive material was placed in "a heap of trash" and "went off" when the children who were working as waste pickers "were sifting through the garbage" (The Nation, 18 January 2024).

9.3 Child abuse

The USDOL points to the "categorical worst forms of child labor" that children in Pakistan are submitted to, including forced labour in agriculture, brickmaking, carpet weaving, coal mining, working in small shops, forced domestic work, forced begging, and recruitment into non-state armed groups. They are also sometimes used in illicit activities or submitted to commercial sexual exploitation (USDOL, 26 September 2023).

The Express Tribune quotes the president of the Pakistani Hari Welfare Association saying that there were about 1.7 million bonded labourers in Sindh province, including more than 700,000 children "working in unacceptable and inhuman conditions" in the agriculture sector (The Express Tribune, 13 June 2023).
The Pakistan National Commission on the Rights of the Child (NCRC) points to the link between trafficking in human beings and bonded labour:

> "The major triggering factor behind human trafficking in Pakistan, mostly in South Punjab and Sindh, is bonded labour in agriculture and brickmaking to a large extent, and in the mining, carpet weaving, glass bangles, and fishing industries to lesser extent." (NCRC, December 2023, p. 9)

Based on several media and other reports, the USDOL further notes that some children are kidnapped or sold for the purpose of organised begging or child sex trafficking in Iran, or into domestic servitude or gangs. Moreover, some children are forced to work in drug trafficking, drug smuggling (in the Khyber Pakhtunkhwa border region with Afghanistan) or are forcibly recruited by non-state armed militant groups "to spy, fight, and carry out suicide attacks" (USDOL, 26 September 2023).
The NCRC notes that trafficked children typically come from "economically constrained families" as they were the most overlooked and abused ones. Driven by their situation to contribute to the family's income, they become prime targets for traffickers who exploit their vulnerability for forced labour and other exploitative practices. In some cases, parents, driven by financial needs, also play a role in their children's trafficking by sending them to work (NCRC, December 2023, p. 8).
The USDOS points to the risk of re-trafficking when authorities send potential child trafficking victims back to their families without applying measures to prevent the risk that they are trafficked again by their families (USDOS, 15 June 2023). The NCRC makes a similar observation:

> "Adding to the issue of child trafficking is the fact that due to a lack of steady mechanisms for the rehabilitation of trafficked children, especially when their own families are involved, even those who are rescued remain susceptible to re-victimization or they return to exploitative situations and practices. Likewise, early release of children from shelters or safe homes without any risk assessment increases the chances of their further exploitation or repeated trafficking." (NCRC, December 2023, p. 10)

NCRC further explains that there are several labour laws relevant in the context of child trafficking, which however, were not coherently applied:

> "Furthermore, another crucial problem plaguing all these laws which are relevant to child labour practices is that there is a lack of uniformity or agreement on the definition of a word 'child'. Some of the aforesaid laws defines a child as below fourteen years of age, some say a child is someone below fifteen years of age while others define the word as someone below the age of sixteen or eighteen years of age. This leads to conflicting application of these laws and creates a problem where some of the laws overlap, or more than one law applies to a specific situation leading to anomalous results." (NCRC, December 2023, p. 14)

According to the Pakistani Sustainable Social Development Organisation (SSDO), a total of 434 cases of violence against children were reported to the police in Sindh province in the period January to October 2022, including 179 cases of child labour under the Prevention of Trafficking in Persons Act from 2018. Most of the victims were boys (85.5 percent) and almost all cases (98.9 percent) were from Karachi alone. The SSDO also points to a high number of abductions of children (121 cases), noting that it was "quite possible that many of these kidnapping cases may be for the purpose of trafficking children across provinces and even the border". Other cases of child abuse reported to Sindh police included "sodomy" and other not specified forms of sexual abuse, physical violence, and the murder of 13 children (SSDO, 9 December 2022, p. 4). In the same period, 4,503 cases of child abuse, including kidnapping/abductions, "sodomy" and sexual abuse, were reported in Punjab province; 27 percent of all cases reportedly occurred in Lahore (SSDO, 30 November 2022, pp. 1, 3). The HRCP points to media reports on cases of child abuse in Punjab province:

> "Based on cases reported in the media, the nature of crimes against children included rape, including that of girls living with disabilities, gang-rape, abduction, corporal punishment, physical violence perpetrated by employers against child domestic helpers, and the sexual abuse of students by seminary teachers. Incidents of parents or stepparents torturing children were commonly reported throughout the year." (HRCP, 2023, p. 51)

Other reported cases of violence against children include the rape and subsequent murder of minor girls in Sindh province (HRCP, 2023, p. 81) and similar cases in Khyber Pakhtunkhwa province (HRCP, 2023, p. 116).

According to the child's rights organisation Sahil and based on the daily monitoring of 81 national and regional newspapers, a total number of 4,213 child abuse cases have been reported in newspapers across the country in 2023:

> "The total of 4213 cases includes reported cases of child sexual abuse (CSA), cases of abduction, cases of missing children, and cases of child marriages. The data shows that 11 children have been abused per day during the year 2023. Gender divide analysis shows that out of the total reported cases of child abuse, 2251 (53%) of victims were girls and 1962 (47%) were boys. The reported age shows that children are most vulnerable to abuse in the age group of 6-15 years, in which more boys than girls' victims were reported. Moreover, children as young as 0-5 years are also sexually abused." (Sahil, 2024, p. 1)

Acquaintances reportedly continued to be most reported abusers (Sahil, 2024, p. 8) and the majority of cases (75 percent or 3,165 cases) was reported from Punjab province (Sahil, 2024, p. 10). Of the total number of 4,213 cases of child abuse, 2,021 cases were related to child sexual abuse. Boys were reportedly more affected by child sexual abuse than girls: in 1,064 reported cases of child sexual abuse, the victims were boys, and in 957 cases, girls (Sahil, 2024, p. 12).

DFAT and the USDOS mention cases of child sexual abuse involving boys (DFAT, 25 January 2022, p. 33; USDOS, 15 June 2023)

9.4 Child marriage

HRW notes that according to UNICEF estimates, 18.9 million girls are married before the age of 18 and 4.6 million before the age of 15 (HRW, 11 January 2024). 35 percent of child marriages occur in the former tribal areas, according to Freedom House (Freedom House, 2023, section G3; see also DW, 27 November 2022).

The legal age of marriage for boys is 18 years and for girls 16 years, according to the Child Marriage Restraint Act of 1929 (Child Marriage Restraint Act, 1 October 1929, Sections 2(a)(b)), except for Sindh province where it is 18 years for both, boys and girls (Sindh Child Marriage Restraint Act, 28 April 2014, Sections 2(a)(b)). A bill by the Khyber Pakhtunkhwa provincial government to set the marriage to 18 for both sexes - the Khyber Pakhtunkhwa Child Marriage Restraint Bill of 2020 - is pending before the Cabinet, according to information provided by the Government of Pakistan. Moreover, also the Federal Government is reportedly considering raising the marriage age for girls to 18 years (Government of Pakistan, 7 February 2024, p. 10).

The NCRC notes in a policy brief on child marriage in Pakistan that in 2019 the Senate had passed a bill to amend the Child Marriage Act of 1929, proposing to raise the marriage age for girls to 18 years and introducing stricter punishments for breaking this law. However, the NCRC notes, the bill was sent by the National Assembly to the Council of Islamic Ideology (CII), who did not support a change of law. Eventually, the bill was rejected by the National Assembly (NCRC, December 2023, p. 21).

In its annual human rights report for 2022, the HRCP points to a judgement by the Islamic High Court (IHC), declaring marriage under the age of 18 years illegal:

> "In March, the IHC declared marriages under the age of 18 illegal, observing that a girl under 18 cannot marry of her own will, nor can her relatives proceed with such an arrangement. The Council of Islamic Ideology opposed the IHC's ruling on religious grounds. In November, the Federal Shariat Court termed child marriage a 'cruel, un-Islamic and [a] heartless ritual'." (HRCP, 2023, p. 168)

Hindu and Sikh marriage laws stipulate that both parties to a marriage must be at least 18 years of age:

> "Pakistan has enacted the Hindu Marriage Act, 2017 (HMA 2017), which regulates the solemnization of marriages in Hindu families. The HMA 2017 stipulates that both parties must be at least 18 years of age for a Hindu marriage to be performed. In 2018, the Punjab assembly passed the Punjab Sikh Anand Karaj Marriage Act, which states that no man and woman of the Sikh community who are below 18 years of age may solemnise marriages." (NCRC, December 2023, p. 21)

In April 2023, Dawn notes that the Islamabad Capital Territory (ICT) administration has notified the rules for the Hindu Marriage Act of 2017 – five years after it had been passed. Dawn quotes an official saying that the notification has been forwarded to all union councils for implementation (Dawn, 7 April 2023). The Government of Pakistan notes that the Act covers ICT, Punjab, Kybher Pakhtunkhwa and Balochistan provinces and notes that the Sindh Hindu Marriage Act similarly bans marriage of persons under 18 years old (Government of Pakistan, 7 February 2024, p. 9).

In February 2024, the Senate passed the Christian Marriage (Amendment) Bill from 2023, thus raising the minimum age of marriage for Christians from 16 to 18 years for boys and from 13 to 18 years for girls (UCA News, 1 March 2024). By the end of February 2024, the Bill had yet to be approved by the National Assembly (Christian Daily, 29 February 2024).
UNICEF explains the social context and social norms related to child marriage:

> "Children, and in particular girls, are especially susceptible to the being married young because the decision-making process occurs among parents and other caregivers. In both Punjab and Sindh, for instance, fathers and grandfathers typically arrange marriages. While mothers can influence the decision-making process, they are not the primary decision-makers. Moreover, there is a social norm that it is shameful for girls to talk about getting married and that 'good girls' allow their elders to make the decision without their input. Children in Pakistan—girls, in particular—can often be married without their fully informed and active consent, rather a girls' intervention can be stigmatised, which prevents them from actively participating in the decision-making process. Girls are, also, often married to alleviate a family of economic stress, as most women are engaged in unpaid domestic labour—Pakistan has one of the lowest rates of female paid employment in the world—girls are not expected to contribute financially to their household through a paid salary. Thus, their presence can be felt to be an economic burden." (UNICEF, 30 August 2023, pp. 15-16)

The World Sindhi Congress (WSC) and Global Human Rights Defence (GHRD) state in a joint submission to the OHCHR that forced marriages were often used to convert religious minorities to Islam, with the age of forcibly married underage girls often falsified in the marriage certificates (WSC & GHRD, March 2023, p. 4). Similarly, HRW and DFAT note that women from religious minorities face a particularly high risk of becoming victims of forced marriage (HRW, 11 January 2024; DFAT, 25 January 2022, p. 32), especially Hindu and Christian minorities (DFAT, 25 January 2022, p. 32; see also above, section 6.2 and section 6.3).
The DFAT and the South Asia Collective note that according to Islamic law, girls can be married once they reach puberty (DFAT, 25 January 2022, p. 32; The South Asia Collective, February 2023, p. 150). This reportedly often led to a selective application of law:

> "This results in the selective application of law. Often, forced marriages are validated based on consent pursuant to the concept of puberty in Islam and affidavits of free will are executed by victims under duress." (The South Asia Collective, February 2023, p. 151)

The DFAT explains that traditional tribal councils sometimes ordered forced marriages under a custom called Badal-e-Sulah, where girls and young women were forcible married to settle conflicts among men (DFAT, 25 January 2022, p. 32).

10 Situation of persons with disabilities

Pakistan is a state party to the Convention of the Rights of the Child (CRC) and the Convention of the Rights of Persons with Disabilities (CRPD) (PIDE, November 2023, p. 1). Moreover, the Constitution of Pakistan provides for non-discriminatory, free, and mandatory education for all children aged 5 to 16 years (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Sections 25A, 26).

Following the ratification of the CRPD, all provincial governments, except Khyber Pakhtunkhwa, reportedly have developed provincial disability acts in accordance with the provisions of the CRPD, including the Baluchistan Persons with disabilities Act 2017, the Sindh Empowerment of Persons with Disabilities Act 2018, the ICT persons with Disabilities Act 2020 and the Punjab Empowerment of Persons with Disabilities Act 2022. Enactment of these laws, however, has been slow (The Nation, 14 January 2024).

The International Federation of Anti-Leprosy Associations (ILEP), in a joint submission with three other organisations to the Committee on the Rights of Persons with Disabilities, notes that disabilities caused by leprosy are not explicitly mentioned in the country's adoption of the CRPD, and that therefore people suffering from leprosy do not have access to the social benefits that other groups of disabled persons enjoy (ILEP et al., 2024, p. 2).

Data regarding the number of persons with a disability is inconsistent, from 371,000 persons, according to the National Database and Registration Authority (NADRA) to UNDP estimates, which amount to 6.2 percent of the total population of 241.49 million (Pakistan Today, 3 December 2023). UNDP quotes the Executive Director of the disability rights organisation Special Talent Exchange Program (STEP) saying that 10 to 15 percent of people in Pakistan are persons with disabilities, half of them women (UNDP, 9 December 2022).

Persons with disabilities reportedly continue to face social stigma and neglect, as many still believe that a disability is a "curse" from God (The Telegraph, 11 August 2023).

10.1 Access to education

The USDOS explains that persons with disabilities are granted equal rights by law, with special education and social welfare offices at the provincial level tasked with upholding these rights. Enforcement of these laws, however, is not always consistent. While each province has a department or office that is by law responsible for catering to the education needs of persons with disabilities, the USDOS notes that most children with disabilities remain out of school, according to civil society groups (USDOS, 20 March 2023, section 6).

Analysing data from several surveys, the Pakistan Institute of Development Economics (PIDE) notes that only 31 percent of the total population of persons with a disability ever attended school. The out-of-school rate of children with a disability aged 6 to 11 years is 67.6 percent among boys and 71.5 percent for girls, according to PIDE's analysis (PIDE, November 2023, p. 3).

Similarly, the International Federation of Anti-Leprosy Associations (ILEP), in a joint submission with three other organisations to the Committee on the Rights of Persons with Disabilities, notes that many children with disabilties leave school early, due to a lack of "disability-friendly facilities" and because of "attitudinal problems in society" (ILEP et al., 2024, pp. 1-2).

According to the Community-Based Inclusive Development Network Pakistan (CBIDN), a disability rights coordination network, over 600 institutions exist that offer rehabilitation, education, and skill development measures for about 60,000 children with disabilities. However, CBIDN notes, most of these institutions are in urban areas and thus not available for

many children living in rural areas (CBIDN, 2024, p. 11; see also ILEP et al., 2024, p. 2). Moreover, although relevant policies and institutions have been established, schools lack resources to meet the needs of students with disabilities:

> "National Education policy 2009, talks about the child friendly and inclusive education. However, a comprehensive policy 'National Policy for persons with disability 2002' and 'National Plan of Action 2006' provided a framework to create opportunities and resultantly a new department 'Department of Special Education' was established and schools were opened in each Tehsil of provinces. However, schools receive inadequate funding and resources to meet the needs of students with disability. This undermines the ability of schools to implement measures such as adapting curricula to meet the particular needs of different students; increasing the staff to student ratio; and providing adaptive equipment and technology, accessible transport, universally designed environments and accessible social and extra-curricular activities." (CBIDN, 2024, p. 18)

An open letter to the Pakistani newspaper The Nation points to a lack of ramps and other facilities for disabled students at university buildings of Karachi University, noting that while more than 80 percent of the old departments were not constructed to meet the needs of disabled students, the same applied also to many of the newly constructed buildings. Reportedly, 2 percent (280 seats) of all available study places at Karachi University are reserved for disabled students under a special quota system (The Nation, 20 November 2022).

10.2 Infrastructure and assistive devices

CBIDN indicates a general lack of accessible infrastructure (including adequate lifts, where they are installed) for people with disabilities, even in big cities, and mainly in sectors such as education, health, and employment, but also in public transport (CBIDN, 2024, p. 12). ILEP similarly notes that access to facilities – in general, but also to specialised facilities – for people with disabilities is limited:

> "Specialised rehabilitation facilities like orthopaedic centres, physiotherapy centres, audiology and speech therapy centres and mental health facilities are not available outside the big cities. Assistive devices are costly and not funded by the Government, and public transport is limited and/or inaccessible. Many persons with disabilities in rural areas, especially in low-income families, are confined to their houses because there are no means of mobility. Accessibility in terms of ramps, side supports, accessible washrooms and special transport is almost out of the question in rural areas, and only partially available in big cities." (ILEP et al., 2024, p. 2)

Assistive devices such as orthopaedic shoes, wheelchairs, hearing devices and other devices are expensive and not always provided by the Government. Centres for prosthetic devices are reportedly available only in major cities (ILEP et al., 2024, p. 3). In its state report to the UN Committee of the Rights of the Child, the Government of Pakistan explains that Pakistan Bait-ul-Mal (PBM), a federal government institution, that provides social services and assistance, provides wheelchairs to children with a disability (Government of Pakistan, 7 February 2024, p. 22; see also PBM, undated). Similarly, CBIDN notes that many NGOs, such as the PBM and

the Punjab Welfare Trust for the Disabled provide assistive devices, including in rural areas, but not in sufficient numbers to cover the needs of all persons with disabilities (CBIDN, 2024, p. 16).
In its report, the Government of Pakistan describes measures taken by the Balochistan provincial authorities to "rehabilitate" persons with a disability, in particular children with visual or hearing impairments, or with a physical disability or mental health issues. Measures include, among others, providing school and vocational training centres, facilitate the printing of Braille books, offering pre-service and in-service teacher training, offering special aids such as cochlear implants or by integrating children with mild disabilities into general education schools (Government of Pakistan, published by CRC, 7 February 2024, p. 25).
The USDOS notes that people with disabilities face challenges in the context of voting, including in terms of finding transportation, which makes access to polling stations "problematic", and in terms of obtaining a special identification card that would allow for absentee voting (USDOS, 20 March 2023, section 6; see also CBIDN, 2024, p. 22).
In terms of access to justice, CBIDN notes that most courts are not accessible for people with a disability and necessary documents are generally not made available to blind persons in Braille script. There is no sign language interpretation available in court (CBIDN, 2024, p. 13), nor in public media. Written instructions in public buildings are not available in Braille script and there is only "limited access" to vital information for persons with intellectual challenges (CBIDN, 2024, p. 17).

10.3 Employment

According to the USDOS only a small percentage of people with a disability are employed:

> "Only 10 to 12 percent of persons with disabilities were employed, with job opportunities scarce due to limited access to quality education, little support for job seekers, and business attitudes that regard persons with disabilities as unable to work." (USDOS, 20 March 2023, section 7d)

The Disabled Persons (Employment and Rehabilitation) Ordinance 1981 stipulates that any employer with 100 or more employees must ensure that at least 2 percent of the employees are persons with a disability or pay a fine. However, the CBIDN notes, monitoring and implementation of the law have been "weak", and many private and public employers do not fulfil this obligation (CBIDN, 2024, p. 21). The USDOS notes that the 2 percent quota for public and private companies to employ persons with a disability was abolished in 2020 but later restored through an additional clause to the Islamabad Capital Territory Rights of Persons with Disabilities Bill of 2020. However, the clause only applies to the Capital Territory, and reportedly there are ways to circumvent the provision (USDOS, 20 March 2023, section 7d). On provincial level, employment quotas for persons with disabilities vary from three to five percent (Fair Planet, 22 December 2023).
In December 2022, the Sindh provincial government reportedly introduced a 5 percent job quota for persons with disabilities in the private sector (in accordance with the public sector) and also established a "Special Persons Protection Authority for the welfare of the special persons in the province" (24 News HD, 6 December 2022). In November 2023, the Sindh caretaker chief minister reportedly directed the Sindh chief secretary to ensure implementation of the employment quota in both, the public and the private sectors (The News International, 23 November 2023).

10.4 Mental health in the penal system

HRW points to a general lack of awareness about mental health issues and specifically to the issue of mental health in the country's prison system, noting that the system "lacks mental health professionals, and prison authorities tend to view any report of a mental health condition with suspicion" (HRW, 11 January 2024).

In a joint submission to the UN Human Rights Committee, the Advocates for Human Rights, the World Coalition Against the Death Penalty and Justice Project Pakistan similarly note that revised prison rules providing for increased protections for prisoners with psychosocial disabilities have either not been passed or not been included in existing federal rules (The Advocates for Human Rights et al., 18 August 2023, p. 10). Moreover, Advocates for Human Rights and co-authors point to the issue of mental disabilities in connection with the death penalty:

> "Not everyone with a psychosocial or intellectual disability is exempt from the death penalty and who is exempt is decided by a medical board of mental health professionals. Defendants with psychosocial or intellectual disabilities are rarely informed of the fact that their disability may be a mitigating factor in sentencing, and because they often lack adequate legal representation, the issue is rarely raised in court. Prison officials and judges lack basic understanding of psychosocial disabilities and its interaction with criminal culpability The process of determining whether an individual with disabilities qualifies for a commutation of a death sentence is lengthy and individuals with potentially qualifying disabilities are routinely charged with capital offenses and sentenced to death or spend years on death row waiting for a determination by a medical board." (The Advocates for Human Rights et al., 18 August 2023, p. 11)

11 Situation of individuals of diverse SOGI ("LGBTQI+")

11.1 Legal Framework

The UK Home office notes in a report of April 2022 that the Constitution of Pakistan does not mention sexual orientation or gender identity but contains some provisions that might impact the constitutional rights of lesbian, gay and bisexual (LGB) persons. For example, Article 25 grants the equality of all citizens before law and prohibits discrimination on the basis of sex. Article 27 prohibits discrimination in public services on grounds of, among others, sex and Article 14 stresses the inviolability of the dignity of man and privacy of home (UK Home Office, April 2022, p. 12; Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018).

However, the Constitution does not mention "sexual orientation", "gender identity", "gender expression" or "sex characteristics" as grounds for prohibiting discrimination, as the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) explains (ILGA, undated).

The UK Home Office further states that the Pakistan Penal Code (PPC) does not explicitly refer to same-sex relationships but criminalises so-called "unnatural offences":

> "The Pakistan Penal Code (PPC) does not specifically refer to same-sex sexual acts but deals with actions considered 'unnatural offences'. Section 377 states 'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine ... Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.'" (UK Home Office, April 2022, p. 14)

The UK Home Office notes with reference to several sources, that, despite some "ambiguity", "it is assumed" that Section 377 applies to both men and women and that under sharia law same-sex sexual acts might be punished by death (UK Home Office, April 2022, p. 7).

On the other hand, HRW appears to understand only male same-sex sexual acts as punishable by law:

> "Same-sex sexual conduct between men remains a criminal offense under Pakistan's criminal code, placing men who have sex with men and transgender women at a higher risk of police abuse and other forms of violence and discrimination." (HRW, 11 January 2024)

Moreover, Section 294 of the PPC refers to "obscene" acts in public places and is reportedly often used against persons of diverse sexual orientation or gender identity, according to ILGA:

> "Additionally, Section 294 of the Penal Code criminalises 'any obscene act in any public place' and 'singing, reciting or uttering any obscene songs, ballad or words, in or near any public place', 'to the annoyance of others', which may result in imprisonment for up to 3 months, a fine, or both. This section is reportedly often deployed to target male, trans and hijra sex workers." (ILGA, undated)

Under Islamic law, the Offence of Zina (Enforcement of Hudood) Ordinance of 1979 criminalises "Zina", that is, sexual intercourse between a man and a woman who are not married to each other, and states that "penetration is sufficient to constitute the sexual intercourse necessary to the offence of Zina" (The Offence of Zina (Enforcement of Hudood) Ordinance 1979, 9 February 1979, Section 4). The UK Home Office quotes an expert writing in his review of an earlier report on the same issue that the law "does not specifically target LGBT groups" but "suggests that non-heterosexual sexual acts that involve penetration can be prosecuted", given that "non-heterosexual relationships cannot be legalised by any form of marriage" (UK Home Office, April 2022, p. 16). The USDOS similarly points to uncertainties related to the scope of application of the Ordinance of 1979:

> "Although not enforced since the 1985 lifting of martial law, the Hudood Ordinance of 1979 criminalizes sexual intercourse outside of marriage in accordance with sharia, with penalties of whipping or, potentially, death. There were disputes as to whether the Hudood Ordinance notionally applies to both opposite-sex and same-sex conduct, but there were no known cases of the government applying the ordinance to same-sex conduct, and there were no known cases of executions for homosexuality." (USDOS, 20 March 2023, section 6)

The Government of Pakistan states in its second state report submitted to the UN Human Rights Committee under article 40 of the International Covenant on Civil and Political Rights (ICCPR) that "[s]ame-sex relationship is against the teachings of Islam, therefore, the Government of Pakistan is not obligated to allow same-sex relationship in Pakistan" (Government of Pakistan, 7 December 2022, p. 8). A similar observation is made in Pakistan's report submitted to the UN Committee on Economic, Social and Cultural Rights under articles 16 and 17 of the Covenant in June 2023 (Government of Pakistan, 22 June 2023, p. 8).

11.1.1 Transgender Act 2018

The HRCP explains that the Transgender Act of 2018 – based on several articles of the country's Constitution - was passed in May 2018 after a year-long consultative process and was lauded for its progressiveness:

> "The consultative process lasted well over a year before the Transgender Persons (Protection of Rights) Act was passed in May 2018. The federal Act, with its basis in Articles 19, 25, 26 and 27 of the Constitution, prohibits discrimination in access to employment, education, healthcare, public spaces and services on the basis of sex, gender identity and gender expression. In addition to affirming the fundamental rights of transgender people, including but not limited to the right to legal gender recognition, the Act obligates the government to undertake welfare measures and create shelter homes and separate prison cells for transgender people. Amnesty International hailed the Act as 'one of the most progressive pieces of legislation' of its kind [..]." (HRCP, 2023, pp. 6-7)

Dr Zubair Abbasi, an academic and Associate Editor of the Yearbook of Islamic and Middle Eastern Law notes in a Blog post for the Oxford Human Rights Hub in May 2023 that the Transgender Act of 2018 offered redress for "colonial-era wrongs" committed against transgender persons who were criminalised under the Criminal Tribes Act of 1871. The Transgender Act not only granted fundamental rights to transgender persons, but also allowed

for gender recognition "based on self-declaration only", which was "a right not available in comparable legislation of either the United Kingdom or India", as Dr. Abbasi explains (Abbasi, 31 May 2023).

The Transgender Act of 2018 under Section 2(1)(n) defines a transgender person as (i) intersex persons (khusra), (ii) persons assigned male at birth but who underwent genital excision or castration (eunuch), or (iii) "a transgender man, transgender woman, Khawaja Sira or any person whose gender identity or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth" (Transgender Act, 18 May 2018, Section 2(1)(n)).

The term Khawaja Sira (also: Khwaja Sira)[53], the indigenous term for "third gender", was reportedly used across the Indian subcontinent in the 16th to the 19th century. It was used at the courts of the ruling Mughal Empire and referred to "a wide range of transgender, castrated, and gender-nonconforming advisers and officials", according to The Diplomat, an international current-affairs magazine focused on the Asia-Pacific region. The Khwaja Sira community was "respected and trusted" until the arrival of the British colonial rulers who banned men from wearing female clothing, introduced the Criminal Tribes Act of 1871 and "codified gender norms". Much of the existing discrimination is reportedly due to this "colonial legacy" (The Diplomat, 13 June 2023). New Lines Magazine explains that Khwaja Sira used to earn their living by working as singers, dancers, by conferring blessings to newlyweds and newborns, a practice called "badhai", but now also by begging and engaging in sex work. They live in communities organised by teacher-disciple (guru-chela) relationships and reportedly also use a specific dialect, Hijra Farsi (New Lines Magazine, 3 October 2022; see also Jaffer, 8 April 2022).

In 2012, the country's Supreme Court ruled that transgender persons have equal rights with all other citizens and ordered that a "third gender" category had to be included on national identity cards. This ruling "paved the way for the 2018 legislation", according to the Voice of America (VOA) (VOA, 20 May 2023). The USDOS explains that since national identity cards also serve as voter registration, this step allowed transgender persons to participate in elections as voters and candidates (USDOS, 20 March 2023, section 6). Since 2017, the symbol 'X' is used in the gender column of Computerised National Identity Cards (CNICs) to register transgender persons, according to the HRCP (HRCP, 2023, p. 8).

UNDP, however, notes in its National Strategic Framework for Transgender Persons Protection and Political Inclusion in Pakistan report of December 2023 that according to the National Database and Registration Authority (NADRA), only 3,000 transgender persons have registered under the 'X' category so far. Key concerns mentioned by the transgender community reportedly include a lack of trust in the system and the "deep-rooted stigmatization of the transgender identity" (UNDP, 5 December 2023, p. 11). On the other hand, the Asia Pacific Transgender Network (APTN) and two other rights organisations note in a joint submission for the UN Universal Periodic Review (UPR) that some programs are available to transgender persons only in case they have a National Identity Card (NIC) with the symbol 'X' as gender marker, including the Sehat Sahulat national health insurance program (APTN et al., March 2023, p. 7) or programs for income support and welfare for transgender persons. Moreover,

[53] The third gender is also referred to as "hijras" in South Asia; however, this term has reportedly acquired a negative connotation and is considered an insult now (New Lines Magazine, 3 October 2022).

persons with an 'X' gender marker are "explicitly denied the right to contract a marriage, despite no law prohibiting it as such", and persons who are legally married with children cannot obtain a NIC with an 'X' gender marker (APTN et al., March 2023, p. 10).

Implementation of the 2018 Transgender Act, however, has been "lacking", and some legislators and clerics from conservative religious parties such as Jamaat-e-Islami (JI) and Jamiat Ulema-e-Islam-Fazl (JUI-F) have claimed that the law was against Islamic teachings.

JUI-F's party leader Fazlur Rehman and Senator Mushtaq Ahmad Khan of the JI party filed petitions against the Act, with Senator Khan reportedly arguing in an interview with VOA that the law should only apply to those who cannot be categorised as man or woman at birth for biological reasons (The Diplomat, 13 June 2023). In his petition, Senator Khan reportedly claimed that the Act complicated Islamic heritance laws (Amnesty International, 17 May 2023, p. 4). Other petitioners claimed that it allowed for the recognition of "persons who were not actually transgender" (HRCP, 2023, p. 10), and "provided a 'legal cover' to homosexuality under the guise of safeguarding the rights of transgender persons by differentiating between 'gender' and 'sex'" (Abbasi, 31 May 2023).

In May 2023, the Federal Sharia Court announced its verdict on these petitions and declared several sections of the Transgender Act as against Islamic law[54]. In its verdict, the Court argues that according to Islamic teachings, a person's gender is subject to that person's biological sex, and therefore must conform to it. The Court further explains that many Islamic commands and acts of worship, such as fasting, the Haj or the distribution of inheritance, depend on a person's biological sex, not the gender, and that a person cannot get a share of inheritance based on self-perceived gender identity (Dawn, 20 May 2023; see also Federal Sharia Court of Pakistan, 19 May 2023). VOA explains that under Islamic law, male descendants receive twice as many shares of an inheritance than females and that the Court "struck down the act's stipulation that a person identifying as a trans man would also get twice as much as a trans woman" (VOA, 20 May 2023).

In its verdict the Court also argues that the definition of "transgender" (see above) causes confusion as it includes terms that refer to biological characteristics (intersex, eunuchs, Khawaja Sira) and terms that refer to a person's self-perceived gender identity (transgender man/woman). The Court states that Islamic law recognises the existence of and grants rights to intersex persons. It also recognises the existence of eunuchs/ Khawaja Siras - stressing that a person cannot undergo castration "at his will" but only for medical reasons. It does, however, not recognise the notion of a self-perceived gender identity differing from one's biological sex. The Court states that the Act would pave the way for rape and sexual assault against women as a man could easily get access to the "exclusive spaces and gatherings of females in the disguise of a 'transgender woman'" (Dawn, 20 May 2023; see also Federal Sharia Court of Pakistan, 19 May 2023, p. 105).

[54] The sections declared as un-Islamic by the Court are Section 2(f) (definition of 'gender identity'), Section 2(n)(iii) (definition of 'Transgender Person'), Section 3 (recognition of the identity of a transgender person), and Section 7 (right to inherit) (Dawn, 20 May 2023).

The verdict was welcomed by conservative petitioners such as Senator Khan, but also by petitioners from the affected community[55]. VOA quotes a rights activist saying that the law "promoted homosexuality" and that "normal, healthy men who are capable of marrying" should stay with wife and children (VOA, 20 May 2023; see also AP, 20 May 2023).
The Associated Press (AP) notes that human rights activists have appealed the Federal Sharia Court's ruling, which therefore cannot go into effect until a final decision has been made (AP, 26 September 2023). By the end of 2023, the appeal remained pending in the Supreme Court (HRW, 11 January 2024).
The Transgender Act of 2018 has not only been challenged in Court, but also in parliament:

> "Simultaneously, while the Federal Shariat Court was deliberating on the petitions against the Act, a bill was introduced in the Senate (the upper house of the parliament in Pakistan) to protect the rights of *khunsa* (intersex people). This bill proposed replacing the 'self-perceived gender identity' with a 'Gender Re-assignment Medical Board' to register a transgender person as a male or female. This bill, however, has not been passed by the parliament and its fate remain uncertain as it does not have the support of most political parties." (Abbasi, 31 May 2023)

11.2 Situation of LGBTQI+ persons

The USDOS notes in its human rights report for 2022 that "[v]iolence, discrimination, and stigma continued against LGBTQI+ persons", with crimes often left unreported or met with little police activity in case they are reported (USDOS, 20 March 2023, section 6).
In June 2022, Project ADAL published a report on human rights abuses and violations on the basis of sexual orientation, gender identity, expression and sex characteristics (SOGIESC) in Khyber Pakhtunkhwa and Punjab provinces in the period 2019 to 2022. According to their findings, a total of 956 cases of such human rights abuses have been documented in the respective period, including arbitrary arrest and detention, torture, cruel, inhuman or degrading treatment, killings, attacks and sexual violence, including by police, community members and family:

> "Lesbian, bisexual and queer (LBQ) women face discrimination on the basis of their sex and sexuality at workplaces and homes. Many such women attempt to run away from their

[55] Being Khwaja Sira is traditionally understood as a spiritual experience and as being a "gender in and of itself", a third gender beyond the (Western) male-female dichotomy, while being transgender implies changing from one gender to another (remaining within that dichotomy). Therefore, some Khwaja Sira reject being categorised as transgender and, while fighting for more rights, reject being subsumed under the Western notion of LGBTQI+ rights (The Express Tribune, 14 August 2022). The World notes that the conflict between transgender women and Khwaja Sira also has a generational aspect: many of the younger generation who do not identify with their assigned gender consider themselves transgender (in the Western sense) and not Khwaja Sira; they also reject the Khwaja Siras' traditional teacher-disciple system, and are therefore not recognised by some of the Khwaja Sira community who consider the transgender identity "alien and even immoral", fearing that the new concept is threating their traditional third gender culture (The World, 26 July 2017).

> families and face much physical, emotional and sexual violence in the process – sometimes ending up murdered in 'honour killings'.
>
> Gay, bisexual and queer men (GBQ) face threats of arrest and punishment for engaging in consensual sexual relations. This environment enables blackmail, harassment and extortion for many vulnerable young men. Some gangs actively 'hunt' vulnerable men through dating applications and subject them to torture, rape and extortion. Gay men upon being 'outed' risk discrimination, harassment and loss of employment as well as being disowned by their families." (Project ADAL, June 2022, p. 12)

Moreover, LGBTIQ+ people are reportedly also subject to discrimination in access to healthcare, education, employment, and housing. Transgender persons face problems in obtaining identity documents based on their self-perceived gender and transgender women in particular are targets of grave human rights violations, including murder, gang rape and honour killings (Project ADAL, June 2022, p. 12). In its annual human rights report for 2022, the NCHR similarly notes that transgender persons often face discrimination and violence, and often are deprived of basic human rights. The NCHR also points to an "exponential rise in crimes and hate speech against transgender persons" in 2022 (NCHR, June 2023, p. 29). HRW indicates that transgender women across the county, but particularly in Khyber Pakhtunkhwa province, remained under attack (HRW, 11 January 2024). The USDOS also points to an increased level of violence against transgender women in this province and explains that according to activists, police remained inactive despite protests (USDOS, 20 March 2023, section 6). HRCP notes that in Khyber Pakhtunkhwa province, in March 2022 alone, there have been six attacks against transgender persons, with five persons being killed. Perpetrators reportedly often enjoy impunity due to "faulty investigation methods and out-of-court settlements" (HRCP, 2023, p. 7).

The USDOS explains that transgender women, eunuchs and intersex persons often face social stigmatisation, and that the rights granted to transgender person by law are often violated. At the same time the USDOS notes that there is no (similar) law protecting the rights of other members of the LGBTQI+ community:

> "According to LGBTQI+ NGOs and activists, society generally shunned transgender women, eunuchs, and intersex persons, who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some were also engaged in commercial sex. Local authorities often denied transgender individuals their share of inherited property and admission to schools and hospitals. Property owners frequently refused to rent or sell property to transgender persons. The law also provides for basic rights, prohibits harassment of transgender persons, and outlaws discrimination against them in employment, housing, education, health care, and other services. No such law, however, protects the rights of LGBTQI+ individuals." (USDOS, 20 March 2023, section 6)

Project ADAL notes that the majority of cases of human rights abuses experienced by LGBTQI+ persons are not reported to the police, firstly for fear of being abused by the police or of being outed against their will, and secondly, for fear of retaliation by the perpetrators or of negative reactions by family or community members (Project ADAL, June 2022, p. 20). In order to avoid those risks, most of the victims reportedly do not file a complaint, which, on the other hand,

creates “an environment of impunity for the perpetrators” (Project ADAL, June 2022, p. 21). The news agency Inter Press Service (IPS) quotes a trans person saying that lodging “at least a dozen complaints” with the police within three months over attacks on transgender persons was “to no avail”. A social worker is quoted saying that “the police remain silent ‘spectators’” (IPS, 24 July 2023).

Moreover, project ADAL notes that social media coverage of cases of human rights abuses on the one hand forces state authorities to act but on the other hand exposes the victim to the public:

> “It has also been observed that the cases that are highlighted on social media are far more likely to be taken up by the state. Many videos of torture and sexual abuse of transgender women went ‘viral’ on social media due to which state authorities were forced to take action on such cases. This further contributes to the vulnerability of the victims as this particular dynamic entails the victim being ‘outed’ to the public in order for her to have some guarantee of justice. Her right to privacy and safety is entirely compromised in attempts to gain attention of state authorities. This also means that majority of LGB [lesbian, gay, bisexual] people who face a lot of social stigma are left with no recourse.” (Project ADAL, June 2022, p. 21)

The APTN and co-authors note that there was no law banning coercive medial or psychotherapeutic interventions aimed at coercing LGBTQI+ children to change or hide their SOGIESC (APTN, March 2023, p. 3). The USDOS notes that some families turned to traditional or religious healers for that purpose:

> “Psychiatric services were reportedly limited and some families of LGBTQI+ persons consulted traditional or religious healers for exorcisms. Occasionally these may involve forceful beatings, physical violence, or forceful detention in homes as coercive punishment or an attempt to force a change to the person’s sexual identity or expression.” (USDOS, 20 March 2023, section 6)

APTN and co-authors indicate that access to online information on LGBTQI+ issues, including information pertaining to health and rights, is blocked under Section 34 of the Pakistan Electronic Crimes Act of 2016 ; moreover, also dating apps, including the gay dating app Grindr, have been banned by the authorities (APTN et al., March 2023, p. 10).

The USDOS explains that authorities “continued to review movies, books, magazines, and newspapers, which were subject to censorship for objectionable sexual content”. The Pakistani film “Joyland”, on the relationship between a married man and a transgender woman, was reportedly first banned for “highly objectionable content,” but later released after public protest (USDOS, 20 March 2023, section 6). The film, however, remained banned in Punjab province (Dawn, 30 November 2022). Deutsche Welle (DW) quotes an artist saying that one gallery refused to show his work when he described it as art dealing with forced marriages of gay persons but had no objections in showing it when he advertised his work without using the term “gay” (DW, 4 September 2023).

The HRCP notes that the South Punjab Education Department opened schools for the transgender community in Bahawalpur in March, in Dera Ghazi Khan in August and in Lahore in December 2022 (HRCP, 2023, p. 24). The school in Dera Ghazi Khan was reportedly

established with the collaboration of Japan and is the first transgender school to offer primary and secondary higher education (USDOS, 20 March 2023, section 6). The Sindh government adopted a law establishing a 0.5 percent job quota for transgender persons in July 2022 (USDOS, 20 March 2023, section 6; HRCP, 2023, p. 24). It also reserved one percent of seats in the local government for transgender persons (HRCP, 2023, p. 24).

12 State protection

12.1 Police and security forces

12.1.1 Extrajudicial killings

According to the USDOS, "there were numerous reports the government or its agents committed arbitrary or unlawful killings" in 2022. Reportedly, individuals from marginalized racial and ethnic groups disproportionately made up the victims of some abuses. Generally, government bodies conduct inquiries to determine if killings by security forces were justified and decide on the pursuit of legal action based on directives from the police inspector general or the Human Rights Commission of Pakistan (HRCP) (USDOS, 20 March 2023, section 1a).
In September 2023, the HRCP mentions unlawful police practices "of killing suspects in 'encounters' or while in police custody". The organisation provides the following overview:

> "Extra-judicial killings are prevalent in northern Sindh, enjoying a degree of acceptability as part of a crackdown on dacoit gangs [bandits]. One journalist recounted 15 extrajudicial killings in Ghotki in the month of February 2023 alone. Citizens expressed resentment over such excessive and indiscriminate abuse of force outside of the judicial process in the name of maintaining law and order. These extra-legal killings are largely framed as police encounters where, as per their own claim, the police are forced to resort to self-defence in shoot-out situations. SSP [Senior Superintendent of Police] Ghotki Tanveer Tunio advanced the same view, pointing out that the police suffer losses too. […] The SSP also indicated his dissatisfaction with the arraignment of suspects and case prosecution, stating that the conviction rate of offenders remains extremely low. 'Most of the suspects are let off on bail within a month's span. The mind-set of the judiciary is wired to release criminals,' he remarked." (HRCP, 8 September 2023, p. 14)

A May 2023 article by Legal Research and Analysis mentions that "areas with a greater frequency of extrajudicial murders" include Balochistan and Khyber Pakhtunkhwa. Instances of extrajudicial killings were reported during counterterrorism efforts to address extremist groups within the country. In the province of Balochistan, reports of extrajudicial killings, particularly targeting activists and political dissenters, were documented. Several cases have emerged where individuals disappeared or were killed under dubious circumstances (Legal Research and Analysis, 27 May 2023). In October 2023, the HRCP published results of an investigation into extra-judicial killings in Mari Jalbani village near Sakrand, in Sindh, on 28 September 2023 (HRCP, October 2023). In a raid conducted by the Rangers[56] and the police in the village, four men were killed, and at least five others, including women, were injured (The Express Tribune, 29 September 2023). HRCP mentions concerns "that this security operation, hastily executed and lacking a comprehensive strategy, resulted in chaos and the deaths of four villagers". According to the fact-finding-mission report, discrepancies existed among the accounts provided by the district police, Rangers, state authorities, and the locals. Although the specific threat that led to this operation was yet to be clarified, "the actions of the law enforcement personnel involved must be gravely called into question" (HRCP, October 2023, p. 3). In January

[56] See section 1.3

2024, HRCP notes that "the perpetrators of alleged extrajudicial killings in Turbat and Sakrand (Sindh) have yet to be held to account" (HRCP, 27 January 2024). In November 2023, demonstrations had taken place in response to the alleged extrajudicial execution of a young Baloch in Turbat (Dawn, 9 December 2023, see also section 5.5).
Regarding the situation in Balochistan, the HRCP mentions in its annual report covering 2022 that throughout the year there were ongoing reports about the Counter-Terrorism Department's (CTD) engagement in "alleged fake encounters" that resulted in the deaths of Baloch individuals detained in facilities operated by security agencies. A number of these individuals, initially accused of being connected to militant groups, were later found to be political activists or students (HRCP, 2023, p. 135). In December 2023, The Wire cites Nasrullah Baloch, the chairman of Voice for Baloch Missing Persons, as stating that over 200 Balochs were killed in fake encounters since 2021. According to him, "the government aimed to instill fear in the Balochs through extrajudicial killings" (The Wire, 26 December 2023).

Accountability

An article by Legal Research and Analysis notes a lack of accountability regarding extrajudicial killings. Perpetrators often evade justice due to several factors such as insufficient investigations, corruption, and the influence wielded by powerful individuals or entities (Legal Research and Analysis, 27 May 2023). An article by the Friday Times mentions the following regarding judicial procedures in cases of extrajudicial killings:

> "The judiciary's approach towards this issue is fundamentally flawed. Usually, an FIR [First Information Report][57] is lodged under court directions in cases of extrajudicial killings after refusal from the police. However, the National Judicial (Policy Making) Committee, under the chairmanship of the Chief Justice of Pakistan (CJP) Asif Saeed Khosa, decided on March 11, 2019, that courts would not issue such directions to police unless first decided by the District Superintendent of Police. This decision allowed the police to abuse its powers by refusing to lodge FIRs, protect fellow officers, and destroy the safeguard which empowered judges as Ex-Officio Justice of the Peace, to issue directions to lodge FIRs under sections 22-A and 22-B CrPC [Code of Criminal Procedure] in cases of extrajudicial killings." (The Friday Times, 14 January 2024)

In January 2023, Dawn reports on the trial of Rao Anwar, a police officer who was alleged to be implicated in over 400 fake encounter killings. In a decision that faced widespread criticism, an anti-terrorism court acquitted the former Malir Senior Superintendent of Police (SSP) Rao Anwar along with his 17 team members in relation to an encounter that resulted in the deaths of four people in 2018. The acquittal was based on "lack of evidence to prove their presence at the crime scene". The court decided to put the "encounter case" against seven other police officials, who remained fugitives and were "declared proclaimed offenders", on hold until they

[57] The First Information Report (FIR) is a formal document prepared by the police upon receiving initial information regarding the perpetration of a cognizable offense. This document legally sets the criminal justice process in motion for the reporting of such an offense. Cognizable offenses are considered serious crimes, typically warranting a sentence of three years or more (Sardar & Co, 27 September 2023).

are apprehended or surrender themselves (Dawn, 24 January 2023). A January 2024 article mentions some high-profile trial proceedings regarding killings involving security forces over the past years. Following a prolonged legal process, the denial of a pardon appeal by the president in 2018 for the killers of Sarfraz Shah, shot by paramilitary forces in 2011, represented a step towards reinforcing public trust in Pakistan's justice system (Dawn, 21 January 2024a; see also AFP, 12 August 2011). The 2020 arrest of a Frontier Corps soldier for a student's murder in Balochistan "proved to be a significant confidence-building measure between the local populace and the security forces" (Dawn, 21 January 2024a; see also The Express Tribune, 20 January 2021). However, the acquittal of Rao Anwar in the Naqibullah murder case, and the controversial decision of awarding a police officer involved in the mistaken killing of a family by the Counter Terrorism Department, lead to concerns regarding lack of accountability (Dawn, 21 January 2024a). The article further provides the following analysis:

> "The lower ranks are often scapegoats in police brutality cases, and are sacrificed by LEAs [law-enforcement agencies] to appease public anger while maintaining their impunity. This pattern persists despite high-profile incidents such as the killings of Sarfraz Shah and Hayat Baloch, demonstrating the lack of accountability within law enforcement. Across Pakistan, reports of LEAs indiscriminately killing innocent civilians surface regularly — from Karachi to Islamabad and from Gwadar to Quetta. This entrenched culture of violence is enabled by the flawed political, social and justice systems, which continue to support figures like Rao Anwar and the late Chaudhry Aslam, notorious for their extrajudicial practices. Ironically, LEAs justify such unlawful actions and demand both immunity and rewards. Even when caught, legal loopholes and judicial leniency, as seen in the Sahiwal tragedy, often shield them from consequences. The anti-terrorism narrative conveniently allows LEAs to sweep these incidents under the rug, with no real accountability within the civilian, security and judicial systems. An audit of recent 'police encounters' would likely expose a staggering number of injustices, a fact the system is unwilling to confront." (Dawn, 21 January 2024a)

12.1.2 Enforced disappearances

According to the Bertelsmann Stiftung, Pakistan "continues to witness the enforced disappearance of activists and individuals, who are allegedly kidnapped by the military and intelligence agencies". The organisation further notes:

> "While legal efforts continue to be made to recover these missing people, attempts to hold the government accountable for these acts have thus far foundered in the courts and in parliament, mainly through standing committees and special commissions occupied with the cases." (Bertelsmann Stiftung, 19 March 2024, p. 13)

According to a January 2022 article by Dawn, human rights organizations have long advocated for the passage of legislation in Pakistan that would criminalize "enforced disappearance". Initially justified as measures against terrorism and insurgency in Balochistan and the former FATA regions, enforced disappearances "have extended to major urban centres, including Islamabad, over the years". While the Commission of Inquiry on Enforced Disappearances (COIED), set up in March 2011, has succeeded in locating many missing individuals, activists argue that it has not fulfilled its responsibility to identify and bring to justice those responsible

for these abductions (Dawn, 3 January 2022). Similarly, Amnesty International states the following:

> "The COIED, which has faced heavy criticism from civil society and victims who argue that the COIED does not have any representation of victim groups, nor has it used its powers to effectively investigate cases of enforced disappearance. To date, the COIED is yet to direct any perpetrator to be held accountable for an enforced disappearance." (Amnesty International, 11 August 2022, p. 7)

According to the BBC, in 2021, the National Assembly of Pakistan passed legislation to make enforced disappearances a criminal offense, yet it has not been implemented. Despite court orders over the years mandating state accountability for these disappearances, human rights organizations argue that these commitments have not been fulfilled (BBC, 3 February 2024). In its submission to the Committee on the Rights of the Child (CRC), the Government of Pakistan notes the following regarding the handling of cases of enforced disappearances, as of August 2023:

> "The Government has introduced a Bill in the National Assembly to criminalize enforced disappearances, which is undergoing the legislative process. The missing person cases are being handled by the Commission of Inquiry on Enforced Disappearances[58] and dealt with under the Pakistan Commission of Inquiry Act, 1956 and regulation there under 'Commission of Inquiry on Enforced Disappearances, Regulation, 2011['']. When a case or application is received, the Commission and Home Departments in respective provinces constitute a Joint Investigation Team (JIT) to investigate and trace the missing person. Subsequently, FIR is registered by the concerned Police Station. The Joint Investigation Team regularly holds meetings to resolve the case and reports to the Commission" (Government of Pakistan, 7 February 2024, p. 37).

In a July 2023 article from The New Arab, lawyer and human rights advocate Imaan Mazari argued that the COIED serves as a method for the courts to "digress from providing real answers". Imaan Mazari is quoted as further stating:

> "This is the most disgusting abdication of responsibility by the Constitutional Courts because the COIED is nothing more than a bureaucratic post office. Its proceedings are a mere eyewash and prolong the agony of the families of the disappeared […]. The Joint Investigation Team (JIT) within the COIED structure comprises representatives of the same intelligence agencies that are forcibly disappearing people in the first place. Hence, often what families face is a categorisation of the case from the JIT as a 'voluntary disappearance', thus unfairly obstructing their access to justice […]." (The New Arab, 26 July 2023)

[58] See COIED - Commission of Inquiry on Enforced Disappearances, undated, https://coioed.pk/

A December 2023 article by VOA provides the following information regarding the government's response in cases of enforced disappearances:

> "For years, various governments have promised to resolve the issue of forced disappearances with little to show for it. A bill introduced by the government of Prime Minister Imran Khan to tackle the issue infamously went missing. According to data released in January 2023 by the Commission of Inquiry on Enforced Disappearances, since its inception in 2011, the independent body has received more than 9,000 cases from across the country. While it traced more than 5,000 people and saw nearly 3,800 return home, more than 2,000 cases are still pending. The largest number of cases is from Khyber Pakhtunkhwa province, followed by Balochistan. Following a hearing at the Islamabad High Court last month, then-Interior Minister Sarfaraz Bugti, who comes from Balochistan, refused to give details on who had abducted those recently released. Instead, he told journalists to ask the recovered persons whose custody they were in." (VOA, 20 December 2023)

As of January 2024, the government-established Commission of Inquiry on Enforced Disappearances reported 2,752 ongoing cases of enforced disappearances in the province of Balochistan, in stark contrast to the Pakistan's interim prime minister's statement in a recent interview with BBC, claiming only around 50 individuals are missing (BBC, 3 February 2024).
According to the USDOS, in May 2022, the Islamabad High Court ordered the federal government to issue notices to ex-Army Chief and President General Pervez Musharraf, along with all subsequent "chief executives," such as Imran Khan and the current Prime Minister Shehbaz Sharif, accusing them of an "undeclared tacit approval of enforced disappearances". In response to the court's ruling, the federal government established a seven-member panel led by the law and justice minister to "deliberate a policy" regarding enforced disappearances (see also Pakistan Today, 30 May 2022). Additionally, in August 2022, the Balochistan provincial government set up a similar committee tasked with probing cases of missing persons (USDOS, 20 March 2023, section 1b). In August 2022, Amnesty International reports that "[d]espite the landmark order from the Islamabad High Court and the establishment of another committee, enforced disappearances have continued to occur." As example the organisation mentions the case of two Baloch students at the University of Karachi, who were forcibly disappeared and later released after protests in June 2022 (Amnesty International, 11 August 2022, p. 8).

12.1.3 Torture and cruel, inhuman or degrading treatment

Legal situation

Article 14(2) of the Constitution states that "[n]o person shall be subjected to torture for the purpose of extracting evidence" (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018, Article 14(2)). According to a March 2021 report by the World Organisation Against Torture (OMCT) and Justice Project Pakistan (JPP) the text of the Article "indicates that it only prohibits acts of torture committed by public officials for the sole purpose of extracting evidence". Pakistan's main criminal legislations, the Pakistan Penal Code and the Code of Criminal Procedure, do not specifically address torture. While the Penal Code does prescribe punishments for "certain acts of torture under related offences", it doesn't

explicitly define or address torture as a standalone crime (OMCT & JPP, 15 March 2021, p. 4). Similarly, in March 2023, the USDOS notes that "although the constitution prohibits torture and other cruel, inhuman, or degrading treatment, the penal code has no specific provision against torture" (USDOS, 20 March 2023, section 1c). According to the Pakistani government, the "Police Order of 2002 imposes penalties, including fines or imprisonment for up to five years, on police officers who torture or abuse a person" in their custody (Government of Pakistan, 7 February 2024, p. 18). Section 156(d) of the Police Order 2002[59] does impose penalties on any police officer who subjects a person in their custody to "torture or violence" (Police Order, 14 August 2002, Section 156(d); see also The Express Tribune, 9 May 2023). However, this provision is limited to police officers and doesn't apply to other public officials, nor does it offer a definition of what constitutes torture (OMCT & JPP, 15 March 2021, p. 4).

In November 2022, the president approved the Torture and Custodial Death (Prevention and Punishment) Bill[60], which criminalizes custodial death, rape, and torture. These issues came to the forefront following allegations by the Pakistan Tehreek-e-Insaf (PTI) that state agencies had subjected its leaders to torture (HRCP, 2023, p. 153). In June 2023, Dawn published an article authored by Haris Zaki, a policy and advocacy officer at the Justice Project Pakistan. Zaki writes the following regarding implementation of the act:

> "When the president put his assent to the Torture and Custodial Death (Prevention and Punishment) Act, 2022, in November last year, it seemed as though years of effort were finally yielding some progress; the past decade had seen the introduction and subsequent failure of five separate bills criminalising torture. […] Since then, however, there has been no documented use of this law, despite the rampant prevalence of the term 'custodial torture' in today's public discourse. Seven months on, it seems the general public, particularly those who most regularly find themselves in the police's cross hairs, are largely unaware of this Act and the protections it offers. The true success of any law lies not in whether it receives the approval of our legislature, or how many brownie points it gets us in the UN Treaty Body reporting phase. Without passing rules that detail responsibilities, powers and procedures, similar to those notified under the Anti-Rape (Investigation and Trial Act), 2021, the Act criminalising torture will remain a token piece of legislation

[59] For information on the validity of the order please refer to the following documents: HRCP - Human Rights Commission of Pakistan: Revisiting Police Laws, January 2011, https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2011-Revisiting-police-laws.pdf; Dawn: Police Order 2002 enforced in Islamabad after 20 years lapse, 12 December 2022, https://www.dawn.com/news/1725813

[60] See Torture and Custodial Death (Prevention and Punishment) Act, Act No. XXVIII of 2022, 3 November 2022, https://pakistancode.gov.pk/pdffiles/administrator0d6e158c58fb2a0bb335bcf18d5c2930.pdf; for a detailed analysis of the Torture and Custodial Death (Prevention and Punishment) Act 2022 please see HRCP: Legislation Watch Cell Report 2022-03, Torture and Custodial Death (Prevention and Punishment) Act 2022, December 2022, https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-LWC03-Torture-and-Custodial-Death-Prevention-and-Punishment-Act-2022.pdf

> introduced as a cosmetic measure in advance of Pakistan's GSP-Plus[61] reapplication." (Zaki, 26 June 2023)

Similarly, the HRCP notes that the Act "is a progressive piece of legislation in that it defines torture and makes it a cognisable, noncompoundable and nonbailable offence. However, concerns relating to implementation, accountability and enforcement remain" (HRCP, December 2022, p. 9; see also Zaman, 23 July 2023).

Incidents

According to the government, "8420 cases of Police Torture/Death in Police Custody were reported" in 2019 (Government of Pakistan, 7 February 2024, p. 18). Between January and October 2022 reportedly 31 individuals died in police custody due to torture (USDOS, 20 March 2023, section 1c). The Bertelsmann Stiftung mentions that "torture remains rampant in practice" and "[t]orture and preventive detention remain a part of Pakistan's policing and security landscape" (Bertelsmann Stiftung, 19 March 2024, p. 13). In its annual report covering the year 2022, the USDOS notes that there have been reports indicating that security forces, including intelligence agencies, subjected individuals in detention to torture and abuse. Incidents of police misconduct were frequently not reported, with impunity being exacerbated by politicization, corruption, and the absence of robust systems for reporting and examining abuses (USDOS, 20 March 2023, section 1c).
In December 2022, the HRCP notes the following:

> "Custodial torture is endemic in Pakistan's criminal justice system and commonly perceived as an unofficially sanctioned component of investigation. It is used routinely to extract evidence - despite this being prohibited under Article 14(2) of the Constitution - and as an alternative means of punishing individuals in custody. In Pakistan, public officials, including law enforcement agencies and security forces, are known to employ torture and other cruel, inhuman and degrading treatment or punishment against people in their custody, regardless of the victim's age, gender or health." (HRCP, December 2022, p. 1)

In June 2023, the National Commission for Human Rights (NCHR)[62] published its findings[63] on allegations of torture of prisoners in connection with protests on 9 May 2023 (see section 5.5). The investigation resulted amongst others in the following findings: No female inmates reported incidents of torture or sexual abuse while in police custody or in prison. No male

[61] See European Commission: Generalised Scheme of Preferences, undated, https://policy.trade.ec.europa.eu/development-and-sustainability/generalised-scheme-preferences_en

[62] Established in 2015, the National Commission for Human Rights (NCHR) is a statutory body at the federal level (NCHR, undated, p. 3).

[63] NCHR implemented its inquiry through various methods, including monitoring and communication, engaging in meetings with stakeholders, and conducting visits to prisons in May and June 2023 (NCHR, June 2023, p. 5; pp. 11-22).

protesters alleged experiencing conduct that could be classified as torture[64] during their time in police or judicial custody. A third of male detainees reported experiencing force during their arrest. Upon further inquiry, several inmates claimed "they had been slapped by the police during arrest". The majority of both female and male detainees expressed grievances regarding "late-night arrests with disproportionate force intended to intimidate and cause fear" (NCHR, June 2023, p. 22).

Media sources reported on the following alleged torture and ill-treatment incidents between 2022 and 2024:

In August 2022, the PTI claimed that one of its members, Shahbaz Gill, was "tortured during his incarceration" (Dawn, 18 August 2022; see also USDOS, 20 March 2023, section 1c).

In September 2022, the National Commission of Human Rights (NCHR) presented a report to the Islamabad High Court (IHC), revealing "alleged corrupt practices and torture of prisoners held at Rawalpindi's Adiala Jail". According to the court a doctor had examined the prisoner and "stated that the marks on the body of the prisoner were likely caused by torture" (The Express Tribune, 22 September 2022).

In October 2022, Azam Swati, a Senator from the PTI, was detained by the Federal Investigation Agency (FIA) for publishing controversial posts about the military and was subsequently released on bail. In a post on social media platform X, he claimed to have been tortured while in detention and called for the dismissal of two military officers. In November 2022, the FIA re-arrested Swati due to a "highly obnoxious campaign of intimidating tweets […] against state institutions". He was released in January 2023 (Dawn, 27 September 2023; see also Dawn, 1 November 2022).

In August 2023, demonstrators surrounded the Matta police station following the death of a young man in a nearby hospital, purportedly as a result of "police torture" (Dawn, 31 August 2023).

In October 2023, "[s]everal immigrant women have reported experiencing mistreatment and, sometimes, even police torture during their brief stays in Pakistan" (Khaama Press, 6 October 2023).

In October 2023 the PTI "strongly denounced the illegal, unconstitutional, brutal and inhuman treatment being meted out to PTI Chairman Imran Khan in jail" (Pakistan Today, 9 October 2023).

Following a court order, in October 2023, the Hasilpur City police reportedly registered a case against eight individuals, including the former Station House Officer (SHO)[65] and three other police officers, for allegations of subjecting a retired sub-inspector to torture and illegally detaining him at the police station in September 2023 (Dawn, 13 October 2023).

In December 2023, Shah Mahmood Qureshi, the vice chairman of the PTI and former Foreign Minister of Pakistan, claimed that he was subjected to torture and sleep deprivation following

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[64] According to the report, the term torture is defined as under the United Nations Convention against Torture (CAT) and the Torture & Custodial Death (Prevention & Punishment) Act, 2022 (NCHR, June 2023, p. 22, FN 12).

[65] Please see the following website for a description of police force ranks in Pakistan: Zameen.com: Your Complete Guide to Police Force Ranks in Pakistan (Updated October), 13 October 2023, https://www.zameen.com/blog/police-force-ranks-pakistan.html

his arrest by the police in Rawalpindi for allegedly inciting violence (Arab News, 28 December 2023).

In January 2024, an individual detained by the Special Investigation Unit (SIU) reportedly "died due to police torture". Subsequently, SIU officers abandoned the deceased's body in proximity to his residence and fled the scene (The Express Tribune, 14 January 2024).

In February 2024, Dawn reports that the SHO of the Haroonabad City Police Station in Bahawalnagar has been suspended, and four other police officials have been charged with illegally detaining a citizen, subjecting him to torture at a private torture cell, and soliciting a bribe for his release (Dawn, 19 February 2024).

In March 2024, the PTI denounced the "brutal torture" of citizens who were demonstrating against election fraud in Lahore, after learning that one of the individuals was admitted to the intensive care unit of Lahore General Hospital. The young man had been allegedly "subjected to severe torture while in custody". According to police, the man "sustained injuries when he ran to avoid arrest but fell on road in the process" (Dawn, 4 March 2024; see also The Express Tribune, 4 March 2024).

12.1.4 Arbitrary detention

According to the USDOS, "the law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but authorities did not always observe these requirements". Police detained individuals to demand bribes for their release, or apprehended relatives of wanted persons to pressure the suspects into surrendering. Ethnic minorities, stateless individuals, Afghans, and refugees in Pakistan, especially those without proper identification, reported arbitrary arrests, bribe requests, and harassment by police forces. Additionally, there were reports indicating that police, including members of the Federal Investigation Agency (which oversees border control, criminal investigations, counterintelligence, and security), conducted arrests with the intention of obtaining bribes. Regarding pretrial detention the USDOS further mentions:

> "Police sometimes held persons in investigative detention without seeking a magistrate's approval and often held detainees without charge until a court challenged the detention. Magistrates generally approved investigative detention at the request of police without requiring justification. When police did not produce sufficient evidence to try a suspect within the 14-day period, they generally requested that magistrates issue another judicial remand, thereby further extending the suspect's detention. Some individuals remained in pretrial detention for periods longer than the maximum sentence for the crime of which they were charged." (USDOS, 20 March 2023, section 1d)

In August 2019, the Khyber Pakhtunkhwa government promulgated the KP Actions (in aid of civil power) Ordinance, 2019 (Dawn, 18 September 2019). Regarding the ordinance the International Commission of Jurists (ICJ) notes the following:

> "The Ordinance gives sweeping powers to members of the armed forces, including the power to detain people without charge or trial on a number of vaguely defined grounds where it appears that such 'internment' would be expedient for peace. Individuals may be detained for an unspecified period without any right to be brought before a court of law or to challenge the lawfulness of detention before a court." (ICJ, 27 September 2019)

In December 2023, HRCP provides the following information regarding the implementation of the ordinance:

> "On 17 October 2019, a division bench of the Peshawar High Court declared the ordinance null and void for violating the Constitution and the internment centres set up under it as illegal and unconstitutional. The court directed the Khyber Pakhtunkhwa home secretary to notify all internment centres as sub-jails and ruled that cases involving interned people should be transferred to ordinary courts. The Khyber Pakhtunkhwa government immediately challenged the order in the Supreme Court, which, on 25 October 2019, suspended the 17 October order of the Peshawar High Court until the apex court had reached a final decision. It is worth noting that if the ordinance had not been challenged before a court, it would have been repealed automatically by the end of 2019. The matter is still pending before the Supreme Court, which last heard the case on 4 December 2019 under a bench led by the then chief justice, Asif Saeed Khosa." (HRCP, 27 December 2023, p. 10)

In its annual report covering the year 2022, the USDOS also mentions that the appeal was pending at the Supreme Court. As of September 2022, "pending the outcome of this appeal, the military retains control of its detention centers, although transition to civilian law enforcement in the former FATA continued" (USDOS, 20 March 2023, section 1d).
In November 2023, OHCHR reports the following regarding the situation of Afghan nationals in Pakistan:

> "UN Human Rights Chief Volker Türk said today he was alarmed by reports that the arbitrary expulsion of Afghan nationals from Pakistan has been accompanied by abuse, including ill-treatment, arbitrary arrests and detention, destruction of property and personal belongings, and extortion. […] In some instances reported to UN Human Rights, Afghans have been arbitrarily arrested and detained in Pakistan, with some alleging ill-treatment." (OHCHR, 15 November 2023)

Please also see section 5.2, section 5.3, section 5.4 and section 5.5 for further information regarding incidents of arbitrary arrest and detention.

12.1.5 Prison conditions

Legal situation

According to HRW, "the principal laws governing Pakistan's criminal justice system, including the penal code, criminal procedure, and prison laws, were enacted under the British colonial rule in India in the mid-nineteenth century, and remain largely unchanged since Pakistan's independence in 1947" (HRW, 29 March 2023, p. 5). The main regulations governing the

nation's prisons include the 1894 Prisons Act[66] and the 1900 Prisoners Act[67], complemented by the Penal Code and the Code of Criminal Procedure (Himal Southasian, 22 January 2024). The Pakistan Prison Rules (PPR)[68] of 1978 were established to facilitate the implementation of these acts, serving as the principal jail manual that delineates the duties and restrictions imposed on prison authorities (Afzal, 25 October 2023). HRW notes that these laws "enable politicians and other powerful individuals to interfere routinely in police and prison operations, sometimes directing officials to grant favors to allies and harass opponents" (HRW, 29 March 2023, p. 5). Please also see section 12.1.3 for information on the Torture and Custodial Death (Prevention and Punishment) Act, 2022, that was passed into law in November 2022.

Overcrowding

According to a December 2023 fact sheet by the Justice Project Pakistan (JPP), Pakistan's total prison population[69] stood at 100,366 inmates in 127 jails across all provinces and Azad Jammu & Kashmir (JPP, 30 December 2023, p. 1). According to older numbers provided by prison authorities as of August 2022, "the total nationwide prison population stood at 87,712 persons in 116 prisons across the country." (USDOS, 20 March 2023, section 1c).
According to HRW, Pakistani prisons are "notoriously overcrowded", with cells intended for no more than three occupants housing up to 15 individuals. The primary factor contributing to this "overcrowding is the dysfunctional criminal justice system itself". A significant portion of the prison population in Pakistan consists of under-trial detainees, who are either awaiting trial or are currently undergoing trial proceedings, without having been convicted. The system is beset by delays, with trials often extending over several years, during which time the accused remain in prison (HRW, 29 March 2023, p. 3).
The national overcrowding rate in prisons stands at 152.2 percent, with certain jails functioning at more than 200 percent of their intended capacity. The JPP report further mentions that "[o]ut of the total prison population […], 76.3 percent are currently housed in overcrowded jails" (JPP, 30 December 2023, p. 1). A March 2023 report by HRW also provides information regarding overcrowding:

> "Expansive colonial-era laws grant police virtually unchecked powers to arrest people often without meeting international standards that suspects be informed promptly and in detail of the nature and cause of the criminal charges against them. And despite international legal requirements that courts as a general rule provide bail to suspects, Pakistani courts frequently deny bail to detainees or set bail amounts beyond their financial reach when

[66] See Prisons Act, Act No. IX of 1894, 22 March 1894, with amendments up to 8 July 1981, https://pakistancode.gov.pk/pdffiles/administrator21f5d7789eda7210fd6bbbb77b49375e.pdf

[67] See Prisoners Act 1900, Act No. III of 1900, 2 February 1900, with amendments up to 5 September 1984, https://pakistancode.gov.pk/pdffiles/administrator169829d77aa24cbd19baeb40776f2a89.pdf

[68] See Pakistan Prisons Rules, 1978; Rules for the Superintendence and Management of Prisons in Pakistan, 1978 https://prisons.punjab.gov.pk/system/files/Pakistan%20Prison%20Rules%201978%20%28Final%29.pdf

[69] The data was shared with the JPP by provincial prisons departments excluding Gligit-Baltistan (JPP, 30 December 2023, p.1).

> there is no threat of the detainee absconding or interfering in the case. […] A lack of sentencing guidelines and the courts' aversion to alternative non-custodial sentences even for minor offenses also significantly contribute to overcrowding." (HRW, 29 March 2023, p. 3)

In its December 2023 report, JPP provides data on various provinces. Punjab's jails accommodated 58,534 inmates, constituting 58 percent of Pakistan's entire prison population. Jails in Punjab are functioning at 159 percent of their capacity, with 42,175 individuals being under-trial and awaiting conviction. Sindh accommodates 24,904 inmates within its 23 jails, with 80 percent of these being under-trial prisoners. The jails in Sindh are operating at 184 percent of their designed capacity. A significant number of these facilities, constructed in the last century, "operate well over capacity". 15 out of the 23 operational jails in Sindh exceed their capacity. For instance, District Prison Malir Karachi, which has an official capacity for 1,800 individuals, houses 6,052 inmates, thus operating at 336.2 percent of its capacity. In Khyber Pakhtunkhwa, there are 13,056 inmates, with 10,204 (78 percent) of them being under-trial prisoners. The province's prison facilities have a total capacity of 12,160, which places the current occupancy at 107.4 percent of its capacity. Balochistan has a prison population of 2,874 leading to an occupancy rate of 105.3 percent. Out of this population, 1,809 individuals, or 62.9 percent, are under-trial prisoners awaiting conviction. Although the provincial overcrowding rate of 105.3 percent appears relatively low, specific facilities like Central Jail Gaddani and District Jail Quetta are significantly overcrowded, with operating rates of 183.0 percent and 216.9 percent, respectively. In Azad Jammu & Kashmir, seven jails house 958 inmates, with 59 percent of these prisoners being under-trial. Among these facilities, four are operating above their intended capacity. District Jail Bagh, in particular, is facing severe overcrowding, with an operating rate of 190.9 percent. The overall operating rate for Azad Jammu & Kashmir is 143.6 percent, pointing to a significant pressure on the prison infrastructure (JPP, 30 December 2023, p. 1).

Infrastructure and resources

Since the colonial era, Pakistan's prison conditions "have been poor", HRW notes. These conditions have further deteriorated with the increase in the number of inmates. The majority of the prison population comes from the poorest segments of society, including those who cannot afford bribes, bail, or legal representation. Due to inadequate infrastructure and widespread corruption, prison healthcare services are severely strained. Many prison hospitals are underfunded, lacking in medical staff, necessary equipment such as EKG machines, and an adequate number of ambulances (HRW, 29 March 2023, p. 2). The JPP report provides the following overview on the situation in Pakistan's prisons:

> "Practices of over incarceration and reluctance to employ non-custodial measures add to the already grim conditions of prisons characterised by neglect, deplorable sanitation conditions, crumbling infrastructure, lack of resources, and abysmal living conditions. As of August 2023, Punjab Probation & Parole department has only 79 probation officers; whereas, there are 42,426 probationers at their disposal. According to the Punjab Probation department, roughly 500 offenders are assigned per officer; whereas, international standard is assigning 50 offenders per officer. In 2020, the Islamabad High

> court ruled that overcrowded prisons with compromised hygiene amounted to cruel, inhuman treatment for which the State was to be held accountable. […] However, meaningful reform, in pursuance of the directions issued in the ruling, is yet to follow." (JPP, 30 December 2023, p. 1)

In its annual report covering the year 2022, the USDOS provides amongst others[70] the following information on prison conditions:

> "Prison conditions often were extremely poor due to gross overcrowding and inadequate food, water, sanitation, heating, ventilation, lighting, and medical care. […] Inadequate food and medical care in prisons continued to contribute to chronic health problems. Malnutrition remained a problem, especially for inmates unable to supplement their diets with help from family or friends. In many facilities the sanitation, ventilation, lighting, and access to potable water were inadequate. Most prison facilities were antiquated and lacked means to control indoor temperatures. A system existed for basic and emergency medical care, but access was sometimes slowed by bureaucratic procedures. Prisoners with disabilities usually lacked adequate care. Representatives of Christian and Ahmadi Muslim communities claimed other prison inmates often subjected their members to abuse and violence. Civil society organizations reported prison officials frequently subjected prisoners accused of blasphemy to poor prison conditions. Nongovernmental organizations (NGOs) reported many individuals accused of blasphemy remained in solitary confinement for extended periods, sometimes for more than a year. The government asserted this treatment was for the individual's safety, in view of the likelihood that prisoners accused of blasphemy would face threats from the general prison population." (USDOS, 20 March 2023, section 1c)

In a June 2023 report HRCP notes that the medical facilities within many central and district jails are insufficient to meet the needs of the inmates. The situation is further complicated by the continuous influx of persons with drug addictions and precarious health conditions, placing additional strain on the already "fragile prison healthcare system". HRCP further mentions:

> "Former inmates also report abuses of human rights in prisons as, barring some exceptions, the manner in which custodial staff members deal with captive populations across Pakistan is bereft of compassion. Corruption among the prison staff and impunity for their conduct impacts the grant of health facilities; bribery can buy certain privileges while the poor prisoners are deprived of their rightful share. Moreover, the doctors within the confines of a prison are not motivated to work due to stressful working conditions and long hours. As a result, prisoner's basic rights to health, safety and dignity suffer." (HRCP, 2 June 2023, p. 1)

[70] Please also see section 1c of the USDOS's annual report for further detailed information provided on prison conditions (USDOS, 20 March 2023, section 1c).

Please see the HRCP report for detailed information on access to healthcare in the country's prisons:

- HRCP – Human Rights Commission of Pakistan: The Ailing Prisoner Access to Healthcare in Pakistan's Prisons, 2 June 2023 http://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-The-Ailing-Prisoner-Access-to-Healthcare-in-Pakistans-Prisons.pdf

Female prisoners

According to HRW, women inmates are particularly vulnerable within the prison system (see also Dawn, 1 November 2023; Afzal, 25 October 2023). The challenges they face are exacerbated by societal patriarchal norms, the absence of independent financial means, and familial neglect. Within the criminal justice framework, women often encounter bias, discrimination, and maltreatment, significantly hindering their access to healthcare. In 2020, Pakistan's Ministry of Human Rights highlighted that women prisoners were receiving insufficient medical attention and that regulations designed to safeguard them were frequently overlooked by authorities. Additionally, as of 2020, almost two-thirds of female detainees in Pakistani prisons are under-trial, meaning they have yet to be found guilty of any criminal offense (HRW, 29 March 2023, p. 4).

12.1.6 Transnational repression against individuals in another country

In its annual report covering 2022, the USDOS notes that "journalists and civil society members in exile in Europe reported targeted harassment and physical violence they believed was linked to their investigative work into the military's actions and human rights abuses" (USDOS, 20 March 2023, section 1e). Regarding the situation of Pakistani journalists living in exile, a March 2023 article by VOA provides the following information:

> "American authorities contacted the journalist [Taha Siddiqui] in late 2018 to say that his name was on a 'kill list' and that if he ever went to Pakistan, he would be in danger. The French authorities also contacted him with the same information the following January. 'Many people ask me that you left Pakistan, you must have been safe. This is not true. There are many Pakistanis in exile who have had faced such disturbing incidents,' he said. 'I still receive threatening phone calls, people coming to my workplace and harassing me. ... My family members are still being harassed in Pakistan.' Such threats are common for journalists in and outside of Pakistan, according to Reporters Without Borders (RSF), whose annually updated Press Freedom Index ranks Pakistan 157 out of 180 countries, where 1 has the best environment for journalists. Daniel Bastard, RSF's Asia-Pacific director, says the effect on media is devastating, with journalists aware that they potentially risk their lives for their work. 'There has been a pattern in recent years, through which Pakistani journalists living abroad have been subject to intimidation and more,' Bastard said. 'The most extreme case is that of Arshad Sharif of course, who was killed in Kenya after having to flee his own country.'" (VOA, 22 March 2023)

Regarding the situation of Pakistani exiles, The Guardian similarly reports in February 2022:

> "Pakistani exiles seeking refuge in the UK are being advised by counter-terrorism police to keep a low profile following warnings that their lives may be at risk after criticising Pakistan's powerful military. Counter Terrorism Policing, a collaboration of UK police forces and the security services, has told possible targets that they need to inform police if they intend to travel within the UK. One British-based dissident said she had received information that hitmen linked to Pakistani drug gangs would be contracted to target her. The heightened alert follows a recent trial in which a London-based hitman was found guilty of conspiring to murder a Pakistani dissident. The trial heard how Muhammad Gohir Khan was offered £100,000 to kill a dissident blogger and fierce critic of the Pakistani intelligence services, Ahmad Waqass Goraya, in the Netherlands last year." (The Guardian, 5 February 2022; see also USDOS, 20 March 2023, section 1e)

In July 2022, Indian news agency Asian News International (ANI)[71] reports that "Pakistan's exiled Balochs face severe security threat" and provides the following information:

> "The safety of Pakistani dissidents is a major concern even in well-governed democracies as they are pursued by local killers and conspirators, mainly with roots in Islamabad. The recent killing of Saqib Karim, a young dissident from Balochistan, under mysterious circumstances in distant Azerbaijan in Central Asia, is a fit example of political exiles being hunted down. He was reportedly being targeted by Pakistan's intel agencies, Islam Khabar reported. Baloch National Movement (BNM) has urged the Azerbaijan government to investigate the Saqib case. Pakistani dissidents have been targeted in various countries including the US, the UK, the Netherlands and France, Islam Khabar reported." (ANI, 20 July 2022)

12.1.7 Restrictions on freedom of movement

According to Freedom House, legal constraints exist on the right to freedom of movement, with authorities frequently restricting internal movement in certain regions of the country due to security concerns (Freedom House, 2023, section G1). The USDOS mentions that government restrictions on access to specific regions of the former Federally Administered Tribal Areas (FATA) and Balochistan, under the pretext of security concerns, "hindered freedom of movement". Travel to areas designated "sensitive" by the government required a no-objection certificate (NOC) (USDOS, 20 March 2023, section 2d).
Regarding foreign travel, Freedom House notes the following:

> "The main tool for restricting foreign travel is the Exit Control List, which blocks named individuals from using official exit points. Though intended to prevent those posing a security threat and those facing court proceedings from fleeing, authorities have used it to control dissent." (Freedom House, 2023, section G1)

[71] Please note that ANI has been criticized for having served as a propaganda tool for the Indian government. See The Caravan: The Image Makers; How ANI reports the government's version of truth, 1 March 2019, https://caravanmagazine.in/reportage/ani-reports-government-version-truth

The USDOS provides further background information regarding the Exit Control List (ECL):

> "The stated purpose of the list was to prevent departure of 'persons involved in antistate activities, terrorism, related to proscribed organizations, or placed on the orders of superior courts.' According to civil society, authorities also included human rights defenders and critics of the government and military on the list. Those on the list have the right to appeal to the courts to have their names removed; however, on April 23, the Federal Cabinet announced changes to the rules to automatically remove names from the Exit Control List (ECL) after 120 days. The government retained authority to extend the exit prohibition for another 90 days. Those involved in terrorism cases, considered a threat to national security, under court order, or involved in large-scale public cheating would continue to stay on the list." (USDOS, 20 March 2023, section 2d)

Several media articles mention the ECL rules changes in April 2022 (APP, 22 April 2022; Dawn, 23 April 2022; Dawn, 3 June 2022; The Express Tribune, 23 April 2022). The Express Tribune, however, also mentions a "black list" and the Provisional National Identification List (PNIL). According to [the former] Interior Minister Rana Sanaullah Khan, around 30,000 persons were on the black list and the PNIL. The article further quotes the minister as stating:

> "'Since the number of people on these lists is huge, changes to the black list and the PNIL will be made in the next few weeks,' he added. 'The way 60 to 65% of the people have been removed from the ECL', he continued, a similar move would be made for the black list and the PNIL." (The Express Tribune, 23 April 2022)

The website of the Ministry of Interior further mentions a Passport Control list (PCL), and also the ECL and PNIL (Ministry of Interior, undated). According to the Federal Investigation Agency (FIA), its Immigration Wing is mandated to enforce the PNIL (FIA, undated(b)).

The USDOS also provides the following information regarding the right to freedom of movement:

> "The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights. […] The law prohibits travel to Israel, and the country's passports include a statement that they are 'valid for all countries except Israel.' Passport applicants must list their religious affiliation, and those wishing to be listed as Muslims must swear they believe the Prophet Muhammad is the final prophet and denounce the founder of the Ahmadi movement as a false prophet. Ahmadi Muslim representatives reported authorities wrote the word 'Ahmadi' in their passports if they refused to sign the declaration. According to policy, government employees and students must obtain NOCs from the government before traveling abroad. Authorities rarely enforced this requirement for students, however. For most of the year, the government prohibited persons on an exit control list from departing the country. […]" (USDOS, 20 March 2023, section 2d)

Regarding the movement of IDPs, the USDOS provides the following information:

> "Many IDPs reportedly wanted to return home, despite the strict control that security forces maintained over returnees' movements through extensive checkpoints and the lack of local infrastructure, housing, and services delivery. […] For IDPs who were unwilling or

unable to return, the government coordinated support with the United Nations and other international organizations." (USDOS, 20 March 2023, section 2f)

12.1.8 Restrictions on the right to return to one's own country of nationality

The USDOS annual report on the human rights situation covering 2022, notes that the government declined to allow the re-entry of some citizens who were deported back to Pakistan from other countries, labeling these individuals as "unverified" citizens. The refusal was based on allegations that "some passports issued by Pakistani embassies and consulates abroad were fraudulent" (USDOS, 20 March 2023, section 2d).

In August 2023, The Express Tribune reports that "more than 34,786 Pakistanis, who left the country through illegal means, were deported" to Pakistan in 2022. According to a report by the Ministry of Interior, 2,016 Pakistanis attempting to travel with "fake documents" were identified, leading to the registration of cases against 971 individuals. Upon discovering these Pakistanis who were "rounded up for using fake documents to travel, 104 smugglers and agents were arrested". Additionally, seven airline employees who were implicated in aiding travel with fraudulent documents were also taken into custody (The Express Tribune, 3 August 2023).

An older article by Dawn published in March 2020, mentions the following regarding measures concerning returned individuals from other countries:

> "The Federal Investigation Agency (FIA) has decided, in principle, not to arrest those deported from Turkey and Greece who managed to enter the countries through land route without forged documents. The FIA took the decision keeping in view a large number of Pakistanis deported every month from Turkey and Greece. Most of them had travelled without making fake documents, but the FIA would earlier book them under the law as it did others who travelled on forged travel documents. […] It further stated that to curb this treatment, new SOP [Standing Order Procedure] will be applied at Lahore and Sialkot international airports: 'All deportees (excluding categories A and B) shall be 'released' from the airports within the shortest possible time after identifying the perpetrators/ facilitators (local or international) responsible for the act and recording 'deportee's statement.'" (Dawn, 10 March 2020)

In its Annual Report on Human Trafficking and Migrant Smuggling covering 2016 and 2017 the FIA notes that a deportee is classified as "Category A" if the person has been involved in activities such as using "fake, forged, counterfeit, or tampered passports, visas, and residence cards", "concealing and mis-declaring facts relating to travel documents", or engaging in "impersonation". Category B applies to individuals that "travelled on genuine travel documents from the port of embarkation but […] subsequently presented different or illegal documents in transit" (FIA, undated(a), p. 50).

The Standing Order Procedure of 2005 can be found under the following link:

- Standing Order No. 29/2005; Handling of Deportees, 2005
  https://fia.gov.pk/files/sop/473274618.pdf

12.2 Due process and right to a fair trial

While the law establishes an independent judiciary, NGOs and legal experts frequently report that the judiciary is susceptible to outside pressures, according to the USDOS. This includes fears about retaliation from extremist groups in terrorism or blasphemy cases, as well as the public politicization of prominent cases. Although the high courts and the Supreme Court are generally viewed as more credible by the media and the public, there are discussions surrounding allegations of security agencies exerting influence on judges within these courts. The USDOS also mentions that "[e]xtensive case backlogs in the lower and superior courts undermined the right to effective remedy and to a fair and public hearing" and "[a]ntiquated procedural rules, unfilled judgeships, poor case management, and weak legal education caused delays in civil and criminal cases" (USDOS, 20 March 2023, section 1e). According to a December 2023 report by German Friedrich-Ebert-Stiftung (FES) the backlog of cases "not only undermines access to justice but also contributes to a loss of faith in the judicial system" (FES, December 2023, p. 55). Numerous lower courts were plagued by corruption, inefficiency, and were vulnerable to the influence of wealthy individuals and powerful religious or political figures, according to the USDOS. Instances were reported where unidentified individuals threatened or killed witnesses, prosecutors, or police officers involved in investigating significant cases. Informal justice systems, devoid of standardized legal safeguards, remained in practice, particularly in rural regions, frequently leading to human rights violations (USDOS, 20 March 2023, section 1e). Similarly, in 2024, the German non-profit think tank Bertelsmann Stiftung mentions among others a "massive backlog" of cases and "parallel justice systems":

> "At lower levels, the judiciary continues to be characterized by a lack of resources, leading to high levels of corruption and a massive backlog of an estimated two million cases. Bar associations and other legal bodies have emerged over the last decade as powerful interest groups in society, and often come into conflict with the police and other groups. Parallel justice systems built around local tribal norms also continue to operate throughout the country. While the decisions taken by these informal 'courts' do not have the means to sanction officials, they are often viewed as a legitimate forum for dispute resolution and access to justice." (Bertelsmann Stiftung, 19 March 2024, p. 12)

According to the USDOS, the "civil, criminal, and family court systems are supposed to operate with the presumption of innocence, cross-examination, and appeal". However, these rights were not consistently upheld by the judiciary. The USDOS also provides the following information:

> "Although defendants have the right to be present and consult with an attorney, courts are required to appoint attorneys for indigents only in capital cases. Defendants generally bear the cost of legal representation in lower courts, but a lawyer may be provided at public expense in appellate courts. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants made frequent court appearances." (USDOS, 20 March 2023, section 1e)

Article 10A of the Constitution states that for "the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due

process" (Constitution of the Islamic Republic of Pakistan, 12 April 1973, with amendments up to 31 May 2018).

The FES report contains information from discussions with key informants, revealing "a number of challenges faced by common citizens while seeking justice". The cost of accessing the justice system poses a substantial challenge. The expenses associated with legal representation and court fees can be prohibitive, hindering access to justice for many people, especially those from economically disadvantaged backgrounds. The financial burden of retaining legal counsel, initiating legal actions, and manoeuvring through the legal system presents significant obstacles for marginalized and financially strained individuals. Although legal aid services are available in Pakistan, their scope and accessibility are limited. Organizations offering legal aid and government-led programs do extend support to individuals unable to afford legal counsel. Yet, the extent of these services frequently falls short, "leaving a significant portion of the population without access to legal aid." Alternative dispute resolution (ADR) mechanisms like mediation and arbitration offer substitutes to the conventional court system. Although such mechanisms are in place in Pakistan, their effectiveness and accessibility differ. ADR can reduce the judiciary's workload and offer a quicker, less expensive solution for some disputes. Nonetheless, according to the FES report, there's a need to enhance their use and awareness among both the public and legal practitioners (FES, December 2023, pp. 54-55). Regarding these challenges in access to justice, the report notes:

> "Addressing these challenges requires comprehensive reforms and initiatives aimed at improving access to justice in Pakistan such as reducing the financial burden on individuals seeking justice by providing free or subsidized legal services; expanding the coverage and availability of legal aid services in underserved areas through partnerships with civil society organizations; establishing and promoting alternative dispute resolution mechanisms; improving case management, increasing the number of judges, and embracing technology to aid in the efficient functioning of the judiciary." (FES, December 2023, pp. 55-56)

Military Tribunals

According to the Bertelsmann Stiftung, "[c]itizens are subject to trial by military tribunals, empowered through vague anti-terror laws that are wide-ranging in their application" (Bertelsmann Stiftung, 19 March 2024, p. 13). In May 2023, HRW reports that police transferred 33 civilian suspects to military courts for prosecution. These individuals were accused of "attacking sensitive defense installations, and damaging or stealing important government equipment, computers, and other sources of data collection". The Pakistan Army Act (PAA) of 1952 and the Official Secrets Act of 1923 permit the trial of civilians in military courts under limited conditions, such as "inciting mutiny, spying, and taking photographs of 'prohibited' places" (HRW, 31 May 2023).

According to a media report, in October 2023, the Supreme Court invalidated the trial of civilians in military courts, ruling that 103 accused individuals related to incidents in May 2023, be tried under ordinary criminal laws. Subsequently, a series of intra-court appeals were filed by the caretaker federal government and the provincial governments of Balochistan, Punjab, and Khyber Pakhtunkhwa, challenging the decision. The Supreme Court, through a majority verdict "observed that the military courts would not issue a verdict against the suspects till its

final ruling on the matter". In mid-December 2023, the Supreme Court postponed the case's hearing until the end of January 2024. Reportedly, as of mid-January 2024, the majority of the 103 accused civilians have nearly concluded their military trials, with suspects in 90 percent of the cases found guilty. Despite the conclusion of the trials, the verdicts in these cases were withheld from announcement due to the Supreme Court order (The Economic Times, 16 January 2024; see also The News International, 16 January 2024).

Blasphemy

Civil society groups have noted that judges often hesitate to acquit those accused of blasphemy due to the potential for vigilante violence. NGOs reportedly noted that the government frequently conducts trials within prison facilities, citing safety concerns for defendants, attorneys, judges, prosecutors, and witnesses. While the NGOs recognize the validity of these safety issues, they have raised concerns about the transparency of such trials (USDOS, 20 March 2023, section 1e). An October 2023 article by TNH mentions that "[t]he way blasphemy laws operate in Pakistan negates the presumption of innocence and violates fair trial rights", and further notes:

> "Witnesses often refuse to articulate the alleged act of blasphemy for fear of committing further blasphemy, lawyers are afraid of representing an alleged blasphemer, and judges are afraid of hearing – let alone deciding – the case. In other words, the blasphemy laws effectively disempower the criminal justice system." (TNH, 4 October 2023)

Regarding blasphemy cases, in September 2022, the Supreme Court "expressly asks state officials to exercise 'the utmost caution' and acknowledges the problems and exploitation of this legislation." Agenzia Fides, the news agency of the Vatican, reports the following:

> "The Court states that, in accordance with the principles of Islamic jurisprudence and in application of constitutional law, care must always be taken to ensure that an innocent person is not wrongfully convicted of crimes related to religion, in particular 'when there is only the improbable oral testimony of witnesses'. The judgment notes that 'the defendant's fundamental right to a fair trial must be guaranteed', noting that 'there have been cases where an angry mob injured or even killed a defendant before he was found guilty'." (Agenzia Fides, 14 September 2022)

Please also see section 6.1 for detailed information on the implementation of blasphemy laws.

12.3 Corruption

In a paper published in December 2020, Ehsan Sadiq[72] notes that apart from establishing oversight and regulatory frameworks through parliamentary Public Accounts Committees (PACs), the Auditor General, Ombudsman offices, regulatory bodies, and departmental

[72] "Dr. Ehsan Sadiq is a senior police officer, currently serving in FIA as Additional Director General, Economic Crime Wing. He holds a Ph.D. in Police Culture from Quaid-e-Azam University and Masters in Public Sector Management from Birmingham University." (Sadiq, 31 December 2020, p. 47)

mechanisms, Pakistan has mainly concentrated on the development and implementation of anti-corruption legislation. This effort is enforced by Anti-Corruption Investigation Agencies (ACIAs), including the National Accountability Bureau (NAB), Federal Investigation Agency (FIA), and Provincial Anti-Corruption Establishments (ACEs) (Sadiq, 31 December 2020, p. 47).

The NAB is Pakistan's premier institution tasked with combating corruption. The NAB is "charged with the responsibility of elimination of corruption through a holistic approach of awareness, prevention and enforcement." Governed by the National Accountability Ordinance, 1999[73], the Bureau's headquarters are situated in Islamabad, and it operates seven regional offices located in Karachi, Lahore, Peshawar, Quetta, Rawalpindi, Multan, and Sukkur. It addresses all offenses that fall under the purview of the National Accountability Ordinance (NAB, undated).

The Anti-Corruption Wing of the Federal Investigation Agency (FIA) is tasked with addressing organized crimes beyond terrorism and human trafficking on a national scale. It oversees the activities of FIA's Zonal Directorates related to "Anti-Corruption Laws, Spurious Drugs, Theft of Electricity Gas & Oil (EGOA)", as well as infringements of the Human Organ Transplant Act (FIA, undated(c)).

The Anti-Corruption Establishment (ACE) operates in various provinces, each led by designated officials according to the region. In Sindh, the leadership role is filled by a Chairman, while in Punjab and Balochistan, a Director General oversees operations, and in Khyber Pakhtunkhwa (KP), the position is held by a Director. These leaders typically have backgrounds in civil service, the police, or are retired military officers. At the district level, offices are managed by a Deputy Director, known as the Circle In-charge. ACE's authority covers employees from departments, organizations, and corporations established by the provincial governments. The report by the Friedrich-Ebert-Stiftung (FES) further describes:

> "The Federal Ombudsman, also known as Wafaqi Mohtasib, addresses individual complaints related to maladministration within provincial agencies or government officials. The Auditor General of Pakistan (AGP) has the authority to inspect official accounts and can request information and documents from officials. The Public Procurement Regulatory Authority (PPRA) focuses on reforming public procurement processes to enhance transparency. In addition, Public Accounts Committees (PACs) operate at federal and provincial levels and regularly review reports from Auditor Generals. These committees examine expenditures, administration, legislation, public petitions, and policies of the relevant ministries. Moreover, civil society and media play a vital role in combating corruption by highlighting corruption cases and holding the government accountable." (FES, December 2023, p. 50)

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[73] See National Accountability Ordinance, Ordinance No. XVIII of 1999, with amendments up to 30 May 2023, https://pakistancode.gov.pk/pdffiles/administrator889746414e53d53e4398264cda458947.pdf; see also National Accountability (Amendment) Ordinance, Ordinance No. I of 2023, 3 July 2023, https://pakistancode.gov.pk/pdffiles/administrator6bdd6b12ab895936186b4e26110caf4a.pdf; Express Tribune (The): Senate extends NAB ordinance for 120 days, 3 November 2023, https://tribune.com.pk/story/2444432/senate-extends-nab-ordinance-for-120-days; Masood, Samar: A slippery slope, Dawn (Ed), 17 October 2023, https://www.dawn.com/news/1781556

Laws and enforcement

Pakistan has implemented two key anti-corruption laws at the national level: the Prevention of Corruption Act, 1947[74] and the National Accountability Ordinance, 1999. The latter is particularly crucial as it forms the basis for establishing the NAB. The FES report further notes:

> "Moreover, the Anti-Money Laundering Act (AMLA) (2010), the Pakistan Penal Code (PPC) (Act XLV of 1860), the Extradition Act (EA) (1972) and the Benami Transactions Act 2017 also supplement the above-mentioned anti-corruption laws. In addition to the FIA Act and NAO [National Accountability Ordinance], the procedural framework for investigating and prosecuting anti-corruption cases is outlined in the Code of Criminal Procedure (CrPC), 1898, and the Law of Evidence (Qanoon-e-Shahadat Order (QSO), 1984), along with the Electronic Transaction Ordinance (ETO), 2002. The CrPC, 1898 specifically establishes detailed procedures for activities such as information collection, investigation, arrest, search and seizure, confiscation, and trial of cases. Moreover, the NAO 1999 grants the NAB broader powers concerning its investigation functions." (FES, December 2023, p. 50)

However, although criminal sanctions for official corruption are imposed by law, the enforcement of this law by the government was generally ineffective. The USDOS notes:

> "[…] officials frequently engaged in corrupt practices at all levels. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement." (USDOS, 20 March 2023, section 4)

The FES report similarly mentions that despite the presence of legislative frameworks and institutional mechanisms, "corruption remains a persistent issue in Pakistan". This persistence is attributed to several factors, such as inadequate enforcement of anti-corruption legislation, insufficient resources, the limited autonomy and capability of institutions, political meddling, and a prevailing culture of impunity (FES, December 2023, p. 51). Freedom House also reports that "[d]espite numerous formal safeguards, official corruption is endemic in practice." Accountability mechanisms are frequently applied in a selective manner and influenced by political motives (Freedom House, 2023, section C2). The Bertelsmann Stiftung notes that the NAB and similar accountability bodies have historically been employed as instruments for political persecution. The report provides the following overview:

> "Anti-corruption was one of the pillars of the PTI's electoral campaign. Serving this goal, the NAB and the FIA were used to investigate, arrest and prosecute opposition leaders, including Shahbaz Sharif, Miftah Ismail, Shahid Khaqan Abbasi and Hamza Shahbaz, between 2018 and 2022. However, significantly, no charges of corruption were ever proven in court. Since its ouster in April 2022, the PTI's leadership has been on the receiving end of similar campaigns. Most prominently, former Prime Minister Imran Khan has been accused of corruption for misappropriating gifts he received as head of state. The Election

[74] See Prevention of Corruption Act, Act No. II of 1947, 11 March 1947, with amendments up to 4 December 2021, https://pakistancode.gov.pk/pdffiles/administrator6b1051bf89aaeb5e9afc3cf2b141fc0b.pdf

> Commission of Pakistan disqualified Khan from holding public office until 2023, and the case continues to be investigated by the NAB. The PTI has also been embroiled in a case related to funding it allegedly received from overseas, which violated the Elections Act. As has been the case in the past, both of these instances are widely believed to be no more than tools to persecute opposition politicians, with calls for accountability failing to reflect genuine interest in systemic measures to tackle corruption at all levels of government and across partisan political lines." (Bertelsmann Stiftung, 19 March 2024, pp. 12-13)

Please also see section 2.1 for further information on the corruption trial against Imran Khan.
Transparency International's (TI) Corruption Perceptions Index ranks Pakistan at 133 from 180 countries in 2023 (TI Pakistan, 2023). In December 2023, FES notes that corruption "remains a pressing issue" in Pakistan and provides the following overview on corruption:

> "According to public perception surveys, certain government departments are widely perceived as the most corrupt, with the top three being land revenue, police, and the judiciary. Following closely are the taxation departments, public sector banking and nonbanking development institutions, the power sector, and civil works departments, among others. The informal economy, which makes up about 33.1 percent of the national economy, also shows various signs of malpractices and opportunities for corruption. The exact financial loss to the public exchequer caused by corruption is hard to determine accurately." (FES, December 2023, p. 49)

The National Corruption Perception Survey (NCPS) published by Transparency International Pakistan (TI Pakistan) in December 2023, "revealed that police remain the most corrupt sector (30%), Tendering and Contracting was seen as the 2nd most corrupt (16%) and Judiciary 3rd most corrupt (13%)" (TI Pakistan, 9 December 2023, p. 4). The other key findings of the National Corruption Perception Survey were the following:

> "At the national level, the average expenditure on bribery is around Rs. 11,121 [approximately EUR 37] on 760 respondents. In terms of the public service delivery, the average expenditure on bribery was highest on Judiciary (Rs. 25,846) [approximately EUR 85]. […] (75%) citizens considered private sector to wield too much power and influence which often leads to corruption. [The] majority of citizens (36%) considered anti-corruption institutions role as 'ineffective' in curbing corruption in Pakistan. [T]he major cause of corruption, according to NCPS 2023 is the Lack of Merit (40%). At provincial level, in Sindh (42%), KP (43%) and Balochistan (47%) consider lack of merit as a potent cause of corruption in Pakistan. […] As measures to curb corruption, 55% Pakistanis at the national level say that the government should immediately ensure that the assets of the public officials are disclosed on their websites and 45% say that the accountability courts should resolve corruption cases in 30 days. […] NCPS 2023 has revealed that majority Pakistanis (68%) at national level believe that the accountability institutions such as NAB, FIA and Anti-Corruption Establishments are used for political victimization. […] 60% Pakistanis at national level feel that the accountability institutions (NAB, FIA, ACEs, Office of the Ombudsman) should be abolished as they have failed to control corruption. […] At the national level, (47%) Pakistanis consider corruption as the main reason hindering Pakistan's progress. […] At national level, (62%) of Pakistanis consider corruption and unethical

> practices to contribute to environmental degradation and the exacerbation of climate change effects in Pakistan. […] At national level, large population of Pakistanis (67%) feel that the provincial and local governments do not take their views in shaping climate policies and actions, including projects aimed at addressing climate crisis. […] At national level, 76% of Pakistanis have never filed any Right to Information (RTI) request with any public body. […] At national level, (67%) Pakistanis feel that the ordinary people can make a difference in the fight against corruption. (TI Pakistan, 9 December 2023, pp. 4-6)

Please also see section 12.1.5 for information on corruption in the prison system.

12.4 Impunity

In its 2024 country report covering the period February 2021 to January 2023, the Bertelsmann Stiftung notes that individuals holding public office were "largely able to break the law and engage in corrupt practices with impunity", as the mechanisms in place for holding them accountable remained limited (Bertelsmann Stiftung, 19 March 2024, p. 12). The USDOS similarly mentions "lack of government accountability" and notes that abuses "often went unpunished, fostering a culture of impunity among perpetrators". Investigations or disciplinary actions against government officials for alleged human rights violations or corruption were rarely undertaken by the authorities (USDOS, 20 March 2023, Executive Summary). Impunity among security forces "was a significant problem" due to political influences, corrupt practices, and "a lack of effective mechanisms to report and investigate abuses" (USDOS, 20 March 2023, section 1c). According to Freedom House, the military wields "enormous influence over security and other policy issues" and "enjoys impunity for indiscriminate or extralegal use of force" (Freedom House, 2023, overview).

Please also see section 12.1.1 for information on impunity in incidents of alleged extrajudicial killings by security forces.

In its annual report covering 2022, the HRCP notes that in Balochistan state agencies continued to be involved in the "unlawful disappearance" of individuals, particularly political activists, with impunity (HRCP, 2023, p. 135). In a February 2024 article, BBC reports that protesters claimed their family members "have been picked up, tortured and killed with impunity by Pakistani security forces, amid a bloody counterinsurgency operation" (BBC, 3 February 2024).
Please see also section 12.1.2 and section 5.5 for more information on enforced disappearances and the situation of protesters.

The law bans arbitrary arrest and detention, granting individuals the right to challenge the legality of their arrest or detention in court. These standards were not always followed by authorities and the situation was compounded by impunity (USDOS, 20 March 2023, section 1d).
Please also see section 12.1.4 for more information on arbitrary detention.

In March 2024, HRW notes that "[c]orruption among prison officials and impunity for abusive conduct contribute to serious human rights abuses" (HRW, 11 March 2024, p. 5).
Please see section 12.1.5 for more information on prison conditions.

According to Freedom House, individuals responsible for "gender-based violence and sexual harassment or discrimination often enjoy impunity". Police often hesitate in investigating complaints related to crimes against women, including "so-called crimes of honor" (Freedom House, 2023, section F4). In March 2024, HRW calls on the government "to take steps to enforce legislation against domestic violence, […] do more to tackle online gender-based violence, and take measures to improve investigation and prosecution of 'honor' killings and acid attacks". HRW also calls for the reform of "all laws that facilitate impunity for these crimes" (HRW, 11 March 2024, p. 6). In November 2023, RFE/RL cites Nadia Rahman of Amnesty International saying that despite legislative changes and public outcry against "honor killings" in Pakistan, these acts persist, stressing the need for authorities to "end impunity for violence and abolish so-called village and tribal councils that prescribe such horrific crimes." Although Pakistan's Supreme Court outlawed tribal councils in 2019 for violating the Constitution and international human rights commitments, Rahman criticized the Pakistani authorities for not effectively limiting the "extra-legal power" of these councils, thus allowing "patriarchal violence" to continue with impunity (RFE/RL, 30 November 2023).
Please see section 8.3. for more information on gender-based violence.

The Human Rights Commission of Pakistan (HRCP) observed that some "religious political parties" in Khyber Pakhtunkhwa turned the federal Transgender Persons (Protection of Rights) Act 2018 into a contentious issue by "spreading disinformation" about the legislation, which contributed "to the climate of impunity for perpetrators of violence against trans persons" (HRCP, 2023, p. 116).
Please see section 11 for more information on the situation of individuals of diverse SOGI.

In August 2023, Amnesty International reports on mob attacks and a "climate of impunity around violence against religious minorities". The organisation notes the following:

> "The vicious mob attacks are just the latest manifestation of the threat of vigilante violence which anyone can face in Pakistan after a blasphemy accusation – with religious minorities disproportionately vulnerable to the same. The existence of blasphemy laws continue to embolden groups and individuals who threaten, attack or attempt to kill the accused, or anyone connected, including members of their community." (Amnesty International, 16 August 2023)

In its report on international religious freedom published in May 2023, the USDOS writes that "[a]ctivists and members of minority communities said the country's culture of impunity, along with state inaction, was fueling hate crimes and blasphemy accusations" (USDOS, 15 May 2023, section III).
Please see section 6.3 for more information on the situation of religious minorities.

In March 2024, RSF reports that between 2012 and 2022, Pakistan witnessed the killings of 53 journalists, yet convictions were absent in 96 percent of these cases. RSF calls for the strengthening of legislation to combat impunity. The organisation further notes:

> "There is an urgent need to guarantee respect for the rule of law and end impunity for criminal activities by the security services, which have been responsible for the abduction,

> secret detention and torture of journalists regarded as 'troublesome.'" (RSF, 6 March 2024)

In its annual report covering 2022, HRCP notes in the section on Sindh region that freedom of expression remained under attack, including by physical attacks, disappearances, abductions and arbitrary legal challenges. According to HRCP a "long-entrenched culture of impunity for perpetrators continued" (HRCP, 2023, p. 75). According to RSF, despite the enactment of the Sindh Protection of Journalists and other Media Practitioners Act in 2021 to combat impunity for crimes against journalists, the Commission established under this law has not yet obtained the necessary logistical and financial support to aid and protect journalists in the province (RSF, 6 March 2024).
Please see section 5.2 for more information on the situation of journalists.

According to the USDOS, the sector-specific focus of numerous labour laws, combined with inadequate governmental enforcement, has allowed employers across various industries "relative impunity" regarding "working conditions, treatment of employees, work hours, and pay" (USDOS, 20 March 2023, section 7e).
In its annual trafficking report the USDOS provides the following information on impunity:

> "The government did not report any efforts to address local government officials' reportedly endemic perpetuation of bonded labor, which created a culture of impunity for criminals. In Sindh province, a feudal system persisted, where bonded laborers experienced exploitation and traffickers continued to act with impunity as many landlords had political connections. […] The Bureau of Emigration and Overseas Employment issued licenses to private employment promoters and monitored workers who migrated through licensed agencies. The Emigration Ordinance of 1979 prohibited the role of unregulated and unregistered sub-agents; however, sub-agents continued to operate widely with impunity. […] Due to the consistent lack of law enforcement efforts against those who exploited children experiencing homelessness, traffickers operated openly and with impunity." (USDOS, 15 June 2023)

Sources (all sources accessed on 17 April 2024)

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