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Home Office

Country Policy and Information Note

Pakistan: Background information, including actors of protection, and internal relocation

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI) and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

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

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Policy guidance

Updated 26 June 2017

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1.1.1 Whether, in general, those at risk of persecution or serious harm from non-state actors are able to seek effective state protection and/or internally relocate within Pakistan.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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

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

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2.2 Protection

2.2.1 Where the person's fear is of persecution and/or serious harm at the hands of the state, they cannot avail themselves of the protection of the authorities.

2.2.2 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.

2.2.3 Pakistan has a legal framework offering protection and a functioning criminal justice system although its effectiveness varies. The efficacy of the police varies greatly by district, ranging from reasonably good to ineffective. Pakistan's police system suffers severe deficiencies in a number of areas, including equipment, technology, personnel, training, and intelligence capability. They are considered one of the most corrupt institutions in Pakistan. There have also been reports that the police have often failed to protect members of religious minorities, women and the poor (see also the Country Policy and Information Notes on Pakistan: Land disputes; Hazaras; Ahmadis; Christians and Christian converts; and Women fearing gender-based harm/violence).

2.2.4 There are reports of police abuse including arbitrary arrest and detention; as well as occurrences of torture, ill-treatment and extrajudicial killings of criminal suspects (see Police and security forces and Human rights abuses by state security forces).

2.2.5 The army and paramilitary forces, although effective in some areas of Pakistan for combating terrorism and criminal gangs, have been accused of arbitrary and unlawful killings including in fake encounters, as well as torture and enforced disappearances (see Police and security forces and Human rights abuses by state security forces).

2.2.6 The judiciary is subject to external influences. Whilst the high courts and Supreme Court are generally viewed as effective, lower courts are considered corrupt and inefficient with huge backlogs and lengthy court procedures that often do not comply with fair trial standards. Military courts also lacked transparency and fairness (see Judiciary and the rule of law).

2.2.7 The reported case of AW (sufficiency of protection) Pakistan [2011] UKUT 31 (IAC) (26 January 2011), heard on 11 November 2010, found that there is 'systemic sufficiency of state protection' in Pakistan.

2.2.8 The country evidence available since AW was heard indicates that in general access to effective state protection remains possible. However each case must be considered on its facts. The onus is on the person to demonstrate that they would not be able to seek and obtain effective state protection

2.2.9 For further guidance on assessing the availability of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.3 Internal relocation

2.3.1 Where the person's fear is of persecution or serious harm at the hands of the state, they will not be able to relocate to escape that risk.

2.3.2 The law provides for freedom of movement within the country, although violence in some areas restricts this in practice. Pakistan's size and diversity generally allows for reasonable relocation options depending on the person's individual circumstances and the security situation in the area of relocation (see Geography and demography, Freedom of movement and the country policy and information note on Pakistan: Security & humanitarian situation).

2.3.3 Internal location for a woman may be reasonable in some cases depending on their family, social and educational situation (see the Country Policy and Information Note on Pakistan: Women fearing gender-based harm/violence).

2.3.4 For further guidance on internal relocation and the factors to be considered, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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3. Policy summary

3.1.1 In general, a person is likely to be able to access effective protection from the state depending on the nature of the threat and the person's individual circumstances.

3.1.2 Internal relocation to another area of Pakistan is generally considered reasonable but will depend on the nature and origin of the threat as well as the person's individual circumstances.

Country information

Updated 22 June 2017

4. History

4.1.1 For a short history on Pakistan see the European Asylum Support Office (EASO) Country of Origin Information Report – Pakistan Country Overview[1], and the BBC News Pakistan country profile, that includes a timeline of key dates[2].

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5. Economy

5.1.1 Pakistan's Gross Domestic Product (GDP) growth was estimated at 4.7% in the financial year (FY) 2016, rising to 5.2% in FY2017. Growth accelerated in FY2016 helped by economic reforms, low oil prices and improved security[3].

5.1.2 According to the Asian Development Bank, 29.5% of the population in Pakistan live below the national poverty line[4]. In comparison to Pakistan's neighbours, 39.1% of the population in Afghanistan[5], and 21.9% of India's population[6], live below the national poverty line.

5.1.3 With effect from July 2016 Provincial Governments in Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan set the minimum wage for unskilled workers at 14,000 rupees [approximate £104] per month[7]. Social security benefits were only available to formal sector workers [based on employment contributions[8]]; over 70% of the population worked in the informal sector[9].

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[1] European Asylum Support Office, 'EASO Country of Origin Information Report – Pakistan Country Overview' (section 1.3), August 2015, https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Pakistan-Country-Overview_Aug_2015.pdf. Accessed: 27 March 2017
[2] BBC News, 'Pakistan country profile', 2 March 2017, http://www.bbc.co.uk/news/world-south-asia-12965779. Accessed: 27 March 2017
[3] Asian Development Bank, 'Pakistan: Economy', undated, https://www.adb.org/countries/pakistan/economy. Accessed: 27 March 2017
[4] Asian Development Bank, 'Poverty in Pakistan', undated, https://www.adb.org/countries/pakistan/poverty. Accessed: 27 March 2017
[5] Asian Development Bank, 'Poverty in Pakistan', undated, https://www.adb.org/countries/pakistan/poverty. Accessed: 27 March 2017
[6] Asian Development Bank, 'Poverty in India', undated, https://www.adb.org/countries/india/poverty. Date accessed: 27 March 2017
[7] Paycheck.pk, 'Minimum wage in Pakistan 2016-17', June 2016, http://www.paycheck.pk/main/salary/minimum-wages. Date accessed 27 April 2017
[8] US Social Security Administration, 'Social Security Programs Throughout the World: Asia and the Pacific – Pakistan', 2010, https://www.ssa.gov/policy/docs/progdesc/ssptw/2010-2011/asia/pakistan.html. Accessed: 27 April 2017
[9] International Labour Organization, 'Social security in Pakistan', undated, http://ilo.org/islamabad/areasofwork/social-security/lang--en/index.htm. Accessed: 27 April 2017

6. Geography and demography

6.1 Regions

6.1.1 Pakistan (official name – Islamic Republic of Pakistan) is divided into 4 provinces – Balochistan, Khyber-Pakhtunkhwa (KPK), Punjab, and Sindh; and 2 territories – the Federally Administered Tribal Areas (FATA) and Islamabad Capital Territory[10]. The FATA is composed of 7 tribal agencies: Bajaur, Khyber, Kurram, Orakzai, Mohmand, North Waziristan, and South Waziristan[11]. The CIA World Factbook noted '[T]he Pakistani-administered portion of the disputed Jammu and Kashmir region consists of 2 administrative entities: Azad Kashmir and Gilgit-Baltistan'.[12]

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6.2 Population

6.2.1 Pakistan's population was estimated to be 201,995,540 (male: 103,708,140; female: 98,287,400) as of July 2016. Pakistan's major urban areas (estimated population in brackets – highest to lowest – as of 2015) are: Karachi (16.618million (m)); Lahore (8.741m); Faisalabad (3.567m); Rawalpindi (2.506m); Multan (1.921m); and the capital Islamabad (1.365 m)[13].

6.2.2 Pakistan's main ethnic groups are Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Sariaki 8.38%, Muhajirs 7.57%, Balochi 3.57%, and other 6.28%[14].

6.2.3 The US Department of State reported in its International Religious Freedom Report for 2015 that, according to the last census conducted in 1998, 95% of Pakistan's population was Muslim, the majority being Sunni, with a Shi'a minority of approximately 25%. The same source noted:

'According to the 2014 government registration documents cited by the press, there are approximately 1.4 million Hindus, 1.3 million Christians, 126,000 Ahmadis, 34,000 Baha'is, 6,000 Sikhs, and 4,000 Parsis. Taking account of the Ahmadi boycott of the official census, however, community sources put the number of Ahmadi Muslims at approximately 500,000. There are also estimates of a Zikri Muslim community, which is mainly located in Balochistan, ranging between 500,000 and 800,000 individuals. A Pakistani Jewish activist in Karachi has received some media coverage, but most of the historic Jewish community has emigrated.'[15]

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[10] CIA, The World Factbook, 'South Asia: Pakistan', (Government), updated 12 January 2017 , https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html. Accessed: 27 March 2017
[11] Federally Administered Tribal Areas (FATA), 'Agencies', undated, https://fata.gov.pk/index.php. Accessed: 27 March 2017
[12] CIA, The World Factbook, 'South Asia: Pakistan', (Government), updated 12 January 2017 , https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html. Accessed: 27 March 2017
[13] CIA, The World Factbook, 'South Asia: Pakistan', (People and society), updated 12 January 2017 , https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html. Accessed: 27 March 2017
[14] CIA, The World Factbook, 'South Asia: Pakistan', (People and society), updated 12 January 2017 , https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html. Accessed: 27 March 2017
[15] US Department of State, 'International Religious Freedom Report for 2015 – Pakistan', (section I), 10 August 2016, http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2015&dlid=256315.

6.2.4 For more information on population estimates of Ahmadis see the country policy and information note on Pakistan: Ahmadis.

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6.3 Language

6.3.1 The Constitution of Pakistan of 1973 states:

'(1) The National language of Pakistan is Urdu, and arrangements shall be made for its being used [sic] for official and other purposes within fifteen years from the commencing day.

'(2) Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu.

'(3) Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the [t]eaching, promotion and use of a Provincial language in addition to the National language.'[16]

6.3.2 The country's languages – usage shown in % – include: Punjabi 48%; Sindhi 12%; Saraiki (a Punjabi variant) 10%; Pashto (alternate name, Pashtu) 8%; Urdu (official) 8%; Balochi 3%; Hindko 2%; Brahui 1%; English (official; lingua franca of Pakistani elite and most government ministries), Burushaski, and other 8%[17].

6.3.3 Professor Shaun Gregory stated, in his review of the January 2011 Country of Origin Information (COI) Report on Pakistan, that although only 8% of Pakistanis have Urdu as their first language, an estimated 80-90 % use Urdu as their second functional language making it a virtual lingua franca[18].

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7. Political system

7.1.1 For detailed information on Pakistan's state structure and political landscape see the European Asylum Support Office (EASO) Country of Origin Information Report – Pakistan Country Overview[19].

7.1.2 For its full text plus recent amendments see The Constitution of the Islamic Republic of Pakistan. The Preamble upholds the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. The rights of religious and other minorities are guaranteed. Fundamental rights

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Date accessed 27 March 2017

[16] Constitution of Pakistan, (Part XII: Chapter 4, Article 251), http://www.pakistani.org/pakistan/constitution/. Accessed: 27 March 2017

[17] CIA, The World Factbook, 'South Asia: Pakistan', (People and society), updated 12 January 2017 , https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html. Accessed: 27 March 2017

[18] Independent Chief Inspector of Borders and Immigration, Independent Advisory Group on Country Information (IAGCI), 2011 COI Reviews, 'Evaluation of the Country of Origin Information Report on Pakistan', (page 3), May 2011, http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Evaluation-of-the-Country-of-Origin-Information-Report-on-Pakistan.pdf. Accessed: 27 March 2017

[19] European Asylum Support Office, 'EASO Country of Origin Information Report – Pakistan Country Overview' (section 1.4), August 2015, https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Pakistan-Country-Overview_Aug_2015.pdf. Accessed: 27 March 2017

are guaranteed and include equality of status, freedom of thought, speech, worship and the press, and freedom of assembly and association, subject to law and public morality[20].

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8. Judiciary and the rule of law

8.1 Supreme Court, High Court and district courts

8.1.1 The Supreme Court is Pakistan's highest appellate court and its orders and decisions are binding on all other courts in the country[21]. There is a High Court in each province as well as one for the Islamabad Capital Territory and numerous district courts[22]. The Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report on Pakistan noted 'The independence of Pakistan's judiciary is enshrined in the Constitution. This independence is evident in Supreme Court-initiated motion inquiries. These inquiries often bring the Court into conflict with the Federal and provincial governments, as well as security forces.'[23]

8.1.2 In September 2016, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated 'the Working Group remains concerned that article 199(3) of the Constitution still legally bars the High Courts from hearing cases related to the armed forces. Such a limitation on the powers of High Court should be removed.'[24]

8.1.3 The US Department of State (USSD) Human Rights report for 2016 stated '[T]he judiciary often was subjected to external influences, such as fear of reprisal from extremist elements in terrorism or blasphemy cases and public politicization of high-profile cases. The media and the public generally considered the high courts and the Supreme Court credible... Extensive case backlogs in the lower and superior courts, together with other problems, undermined the right to effective remedy and to a fair and public hearing. Delays in justice in civil and criminal cases were due to antiquated procedural rules, unfilled judgeships, poor case management, and weak legal education... Many lower courts remained corrupt, inefficient, and subject to pressure from wealthy persons and influential religious and/or political figures.'[25]

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[20] The Constitution of the Islamic Republic of Pakistan, http://www.pakistani.org/pakistan/constitution/. Accessed: 6 April 2017

[21] Supreme Court of Pakistan, 'History', undated, http://www.supremecourt.gov.pk/web/page.asp?id=113. Accessed: 28 March 2017

[22] Supreme Court of Pakistan, 'The Judicial System of Pakistan', (section 9), May 2015, 4th Edition, http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf. Accessed: 28 March 2017

[23] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.9), 15 January 2016, Available on request. Accessed: 28 March 2017

[24] UN Human Rights Council, 'Report of the Working Group on Enforced or Involuntary Disappearances, Addendum : Follow-up report to the recommendations made by the Working Group : Missions to Congo and Pakistan', (paragraph 33), 13 September 2016, A/HRC/33/51/Add.7, available at: http://www.refworld.org/docid/57e14c7f4.html. Accessed: 19 June 2017

[25] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017,

8.1.4 In its 'Freedom in the World 2017' report, covering 2016 events, Freedom House stated 'Over the last decade, executive interference in the higher judiciary has decreased, and the judiciary in some cases holds the executive to account. However, the […] justice system is marred by endemic problems including corruption, intimidation, a large backlog of cases, insecurity, and low conviction rates for serious crimes.'[26]

See also Fair trial

8.1.5 The USSD HR Report noted that 'The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated under separate judicial systems. For example, AJK has its own elected president, prime minister, legislature, and court system. Gilgit-Baltistan also has a separate judicial system.'[27]

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8.2 Federal Shariat Court, Military Courts, Anti-Terrorism Courts, and informal justice systems

8.2.1 DFAT noted:

'There are a range of other courts in Pakistan's legal system. Although subordinate to the Supreme Court, the Federal Shariat Court (FSC) is a parallel court responsible for ensuring Pakistani laws are consistent with Islamic principles. The FSC has jurisdiction to examine the judgments of lower courts in Hudood cases. In December 2013, the FSC appointed its first female judge, Ashraf Jehan. Pakistan's Anti-Terrorism Courts (ATCs) prosecute offences under the Anti-Terrorism Act 1997. ATC cases are heard by a senior judge, a judicial magistrate and a Pakistan Army officer. As an alternative to state justice systems, many residents in tribal areas also seek justice through traditional dispute resolution systems.'[28]

8.2.2 Freedom House noted in its 2017 report, covering 2016 events, that:

'A separate Federal Sharia Court is empowered to determine whether a provision of law goes against Islamic injunctions. Some communities resort to informal forms of justice, leading to decisions outside formal safeguards. The National Commission for Human Rights, now in its second year of operation, has made little progress in strengthening human rights protections in the country.'[29]

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http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[26] Freedom House, 'Freedom in the World 2017', (Section F. Rule of law), 31 January 2017 https://freedomhouse.org/report/freedom-world/2017/pakistan. Date accessed 24 May 2017

[27] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[28] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.10), 15 January 2016, Available on request. Accessed: 28 March 2017

[29] Freedom House, 'Freedom in the World 2017', (Section F. Rule of law), 31 January 2017 https://freedomhouse.org/report/freedom-world/2017/pakistan. Accessed: 24 May 2017

8.2.3 The UN Committee against Torture expressed its concern in its 2017 Concluding Observations on Pakistan '...about reported discrepancies in the administration of justice, including with respect to the jurisdiction of the Federal Shariat Court, which create difficulties for victims of torture who seek justice... The Committee is particularly concerned about reports that women victims of torture face numerous obstacles in accessing justice, which leads to impunity and other violations of the Convention.'[30]

8.2.4 Freedom House noted in its 2017 report that:

'Military courts with powers to try civilians accused of terrorist-related offenses were established in 2015 in the wake of a deadly terrorist attack on a military school, and continued to operate throughout 2016. These courts have convicted scores of people, at least 140 of whom received death sentences; of those, 12 people had been executed by the end of 2016. The courts have drawn significant criticism for their lack of transparency and absence of safeguards to ensure fair trials. Strikingly, the army claimed in November 2016 that over 90 percent of those convicted in the courts had given a confession... In addition to the military courts, the government continued to seek implementation of death sentences awarded by the judiciary, and more than 400 Pakistanis have been executed since the lifting of the death penalty moratorium in December 2014.'[31]

8.2.5 Amnesty International noted in its 2016/17 annual report that:

'Military courts were given jurisdiction in 2015 to try all those accused of terrorism-related offences, including civilians. By January 2016, the government had constituted 11 military courts to hear such cases.

'In August [2016], the Supreme Court ruled for the first time on cases from these courts, upholding the verdicts and death sentences imposed on 16 civilians. The Court ruled that the appellants had not proved that the military violated their constitutional rights or failed to follow procedure.'[32]

8.2.6 According to a September 2016 statement by the International Committee of Jurists, since January 2015 military courts have '...sentenced at least 100 people to death, and at least 12 have been hanged, after grossly unfair trials without possibility of appeal to any civilian courts, including the Supreme Court. Families allege that some of those tried had been subjected to enforced disappearance by military authorities, and military control over the proceedings leaves the family and victim without effective remedy.'[33]

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[30] Committee against Torture Concluding observations on the initial report of Pakistan, (paragraph 18), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[31] Freedom House, 'Freedom in the World 2017', (Section F. Rule of law), 31 January 2017 https://freedomhouse.org/report/freedom-world/2017/pakistan. Accessed: 24 May 2017

[32] Amnesty International, 'Annual Report Pakistan 2016/2017', (Military courts), 22 February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/. Accessed: 31 March 2017

[33] International Committee of Jurists, 'Oral Statement of the International Commission of Jurists, supported by Human Rights Commission of Pakistan, in the Interactive Dialogue with the Working Group on Enforced or Involuntary Disappearances - Enforced Disappearances in Pakistan', 15 September 2016, https://www.icj.org/wp-content/uploads/2016/09/HRC33-OralStatement-

See also Enforced or involuntary disappearances

8.2.7 The USSD Human Rights report stated:

'Informal justice systems lacking institutionalized legal protections continued, especially in rural areas, and often resulted in human rights abuses. Landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, at times held local council meetings ("panchayats" or "jirgas"), external to the established legal system. Such councils settled feuds and imposed tribal penalties, including fines, imprisonment, and sometimes the death penalty. These councils often sentenced women to violent punishment or death for so-called honor-related crimes. In Pashtun areas, primarily in FATA, such councils were held under FCR [Frontier Crime Regulation] guidelines. Assistant political agents, supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to their interpretation of Islamic law and tribal custom.'[34]

8.2.8 Freedom House stated in its 2017 report that 'The FATA [Federal Administered Tribal Areas] are governed by the president. They are subject to the Frontier Crimes Regulation (FCR) and lie outside the jurisdiction of the Pakistan Supreme Court. The FCR authorizes the government's political agents and tribal leaders to apply customary law, and provides for collective punishment.'[35]

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8.3 Fair trial

8.3.1 According to the USSD Human Rights report:

'The civil, criminal, and family court systems provide for a fair trial and due process, presumption of innocence, cross-examination, and appeal. There are no trials by jury. Although defendants have the right to be present and consult with an attorney, courts must appoint attorneys for indigents only in capital cases. Defendants generally bear the cost of legal representation in lower courts, but a lawyer may be provided at public expense in appellate courts. Defendants may confront or question prosecution witnesses and present their own witnesses and evidence. Defendants and attorneys have legal access to government-held evidence. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants made frequent court appearances.'[36]

Disappearances-Pakistan-15092016.pdf. Accessed: 11 April 2017

[34] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[35] Freedom House, 'Freedom in the World 2017', (Section F. Rule of law), 31 January 2017 https://freedomhouse.org/report/freedom-world/2017/pakistan. Accessed: 24 May 2017

[36] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed:

8.3.2 As noted by DFAT:

'Pakistan's judicial system rarely finalises cases quickly, fairly or transparently. As of January 2015, for example, there were more than 1.7 million cases pending in courts throughout Pakistan. These problems partly reflect the absence of qualified prosecutors and judges. There are also credible reports of corruption within the judiciary, as well as judicial intimidation in blasphemy and other cases, particularly in lower courts. Victims or their families often seek to lodge their cases in the ATCs (by claiming a murder is an act of terrorism against the community, for example) because the ATCs are able to decide cases more quickly than other courts and can hand down harsher punishments.'[37]

8.3.3 In a September 2016 joint submission to the UN ECOSOC, Justice Project Pakistan and the World Organisation against Torture stated:

'The Government of Pakistan provides legal representation at state expense for capital defendants. However, due to the lack of minimum standards governing qualifications, performance and experience of those who can serve as defence counsels in capital cases, state-appointed lawyers are for the most part young and inexperienced lawyers who have little to no expertise in capital cases. Additionally, state-appointed lawyers are often assigned to indigent defendants once a trial is already under way, and as a result defence attorneys rarely are involved in investigations, nor provided sufficient time and resources to expend upon parallel inquiries. Additionally, the remuneration provided to these lawyers is grossly inadequate thereby making them susceptible to influence from the complainant and/or police. The problem is further exacerbated by the fact the Pakistan does not provide any recourse for retrial or redress as a result of incompetent of ineffective counsel. The Supreme Court of Pakistan also routinely dismisses applications for post-conviction review that raise potentially exculpatory evidence that was not raised at trial even if as a result of incompetent state counsel.'[38]

8.3.4 As regards fair trial in military courts, Amnesty International noted that in August [2016], the Supreme Court ruled for the first time on cases from military courts, upholding the verdicts and death sentences in 16 cases. Amnesty International stated:

'According to lawyers, the accused were denied access to legal counsel of their choice, and to military court records when preparing their appeals. Some of the accused were allegedly subjected to enforced disappearance, torture and other ill-treatment, and at least two were reportedly under 18 when arrested.' [39]

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28 March 2017

[37] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.12), 15 January 2016, Available on request. Accessed: 28 March 2017

[38] World Organisation Against Torture, 'Economic, Social and Cultural Causes of the Death Penalty and Torture in Pakistan', (page 4), September 2016, available at: http://www.refworld.org/docid/57e1399f4.html. Accessed: 20 June 2017

[39] Amnesty International, 'Annual Report Pakistan 2016/2017', (Military courts), 22 February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/. Accessed: 31

8.3.5 The Foreign and Commonwealth Office (FCO) reported that military courts 'lacked transparency and were not subject to independent scrutiny making it difficult to assess their compliance with international standards.'[40]

8.3.6 The USSD Human Rights report noted that 'Courts routinely failed to protect the rights of religious minorities. Courts discriminatorily used laws prohibiting blasphemy against Shi'a, Christians, Ahmadis, and members of other religious minority groups. Lower courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed.'[41]

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8.4 Juvenile justice

8.4.1 In its Concluding observations on the fifth periodic report of Pakistan, published 11 July 2016, the UN Committee on the Rights of the Child (CRC) condemned the worsening situation of Pakistan's juvenile justice and expressed serious concern at:

'(a) The low minimum age of criminal responsibility (10 years);

(b) Death sentences and lengthy prison terms handed down to children by the judiciary, mostly for terrorism-related crimes or hadood offences under sharia law;

(c) The inadequate implementation of the Juvenile Justice System Ordinance of 2000, which provides for juvenile courts, and the fact that children are tried as adults in sharia courts and special courts for drug and terrorism-related offences;

(d) The lack of mechanisms and of any obligation to investigate the age of an accused person in the absence of a birth certificate, leading to situations where many children are tried as adults and sentenced to death;

(e) The detention of children together with adults, especially in Balochistan and Khyber Pakhtunkhwa, leading to the abuse of children by other prisoners and prison staff;

(f) The continued functioning of informal courts (jirgas and panchayats), which – although they are banned by law – decide on cases concerning honour killing and bride price, among others.'[42]

March 2017

[40] Foreign and Commonwealth Office, 'Pakistan – Human Rights Priority Country status report: July to December 2016', 8 February 2017, https://www.gov.uk/government/publications/pakistan-human-rights-priority-country/human-rights-priority-country-update-report-july-to-december-2016. Accessed: 31 March 2017

[41] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1e), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[42] UN Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of Pakistan', (paragraph 79), 11 July 2016, http://www.ecoi.net/file_upload/1930_1471508023_g1614898.pdf. Accessed: 6 April 2017

8.4.2 The UN Committee against Torture expressed its concern in its 2017 Concluding Observations on Pakistan about:

'[T]he execution of individuals who were reportedly minors at the time of the offence, in breach of international and domestic prohibitions. While noting that minors have the possibility of challenging their age determination in court, the Committee is concerned about the reported lack of an adequate mechanism to determine the age of juvenile offenders that is in line with due process and fair trial standards.'[43]

8.4.3 In a September 2016 joint submission to the UN ECOSOC, Justice Project Pakistan and the World Organisation against Torture stated:

'Pakistan's domestic law under the Juvenile Justice System Ordinance 2000 (JJSO) […] prohibits sentencing to death and executions of juvenile offenders. In practice however, since the lifting of the moratorium on the death penalty in December 2014, Pakistan has knowingly executed 6 juvenile offenders despite credible evidence supporting their juvenility. A study published by the Justice Project Pakistan and Reprieve titled "Juveniles on Pakistan's Death Row", in April 2015, discovered that as many as 10% of Pakistan's death row population could have been under 18 at the time of committing the crime for which they were convicted and sentenced to death. The criminal justice system is discriminatory towards juvenile offenders particularly those belonging to disadvantaged backgrounds and thereby fails to accord them requisite lawful protection.

'Almost 46% of Pakistan's total population has no form of official registration to demonstrate age, with figures going as low as 1% in Balochistan and FATA. Only 32% of the population possesses a birth certificate with figures going even lower in rural areas. As a result, juvenile offenders who were unregistered at the time of their births are placed in an impossible position to prove their juvenility at the time of arrest during the course of their trial and appeals. In the absence of documentary record demonstrating age, police at the time of arrest record an arbitrary age based upon a visual assessment of the physical appearance of the accused. In practice, police are more inclined to record the age of the accused as an adult in order to avoid the application of safeguards for juveniles under the JJSO.

'If a plea of juvenility is raised by the accused at the time of trial, the courts place the burden entirely upon the defendant. Not only is such a burden difficult to dispel given the dismal rates of birth registration in the country, it is also contrary to international human rights law principles.'[44]

8.4.4 For more detailed information on juvenile justice see the Society for the Protection of the Rights of the Child (SPARC) report The State of Pakistan's Children – 2015 – Juvenile Justice.

[43] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 40), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[44] World Organisation Against Torture, 'Economic, Social and Cultural Causes of the Death Penalty and Torture in Pakistan', (pages 7-8), September 2016, available at: http://www.refworld.org/docid/57e1399f4.html. Accessed: 20 June 2017

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9. Police and security forces

9.1 Overview

9.1.1 For an overview of Pakistan's state security forces, see the European Asylum Support Office (EASO) Country of Origin Information Report – Pakistan Country Overview[45]. In summary, as noted in the USSD Human Rights report:

'Police have primary domestic security responsibility for most of the country. Local police are under the jurisdiction of provincial governments. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab. The Frontier Corps is the Rangers' counterpart in Balochistan and the tribal areas; it reports to the Ministry of Interior in peacetime and military in times of conflict. The military is responsible for external security but continues to play a role in domestic security.'[46]

9.1.2 DFAT reported 'Pakistan's provinces and autonomous regions are directly responsible for law and order. Consequently, police forces are supervised at the provincial level, although the Federal Government has jurisdiction over police and paramilitary forces in Islamabad, as well as Levies and Khasadars in the FATA. There are approximately 430,000 personnel in the Pakistan Police Force.'[47] As noted in The Express Tribune, khasadars are "tribal police" appointed by tribal authorities, whilst Levies '... are appointed by the political administration on merit basis and are given arms and ammunition by the government.'[48]

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9.2 Police effectiveness

9.2.1 According to a contributing article to a report compiled by the Asia Society Independent Commission on Pakistan Police Reform, dated July 2012, 'Pakistan's police force is underresourced, poorly trained, badly paid, low in morale, and viewed with suspicion by the courts and society because of its poor human rights record. Most police are regarded as corrupt, inefficient, and unprofessional. There are minimal forensic facilities or modern equipment to help them in doing their job.'[49] Summarising the findings of the

[45] European Asylum Support Office, 'EASO Country of Origin Information Report – Pakistan Country Overview' (section 1.4.4), August 2015, https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Pakistan-Country-Overview_Aug_2015.pdf. Accessed: 27 March 2017

[46] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[47] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.5), 15 January 2016, Available on request. Accessed: 28 March 2017

[48] The Express Tribune, 'What is the Levies Force?', 31 December 2012, https://tribune.com.pk/story/486847/what-is-the-levies-force/. Accessed: 6 April 2017

[49] Asia Society Independent Commission on Pakistan Police Reform, 'Stabilizing Pakistan through

Asia Society Independent Commission on Pakistan Police Reform, the report noted:

'Pakistan's police system suffers severe deficiencies in a number of areas, including equipment, technology, personnel, training, and intelligence capability. Moreover, the political will needed to address these issues is largely missing. Besides a poor public image, both the police leadership and the rank and file appear to lack a sense of accountability to the public they are meant to serve. Moreover, the system simply is not structured to reward good behavior, as merit-based opportunities for professional advancement are scarce, low pay is the norm, and a lack of support and resources compels even many well-intentioned officers to misuse their authority in order to survive.'[50]

9.2.2 Human Rights Watch (HRW) indicated in its report on police abuse and reform in Pakistan, published September 2016, that constraints such as insufficient human and financial resources; poor infrastructure; problems in the criminal justice system; and interference and influence from internal and external sources; continued to hamper the police, adding that no serious reforms had been undertaken to improve this[51]. According to the USSD Human Rights report, 'Police effectiveness varied by district, ranging from good to ineffective.'[52]

9.2.3 HRW noted 'Senior and lower cadre officials across provinces and districts agreed that the justice system needs severe reform for policing to improve. They expressed frustration over the delays in the judicial process and the inability to secure prompt convictions, which some officers used to justify the custodial torture or extrajudicial killings of suspected criminals.'[53]

(See Human rights abuses by state security forces).

9.2.4 DFAT noted that 'Although there are variations in the effectiveness of individual police forces in Pakistan, their capacity to maintain law and order is generally limited by a lack of resources; poor training; insufficient and outmoded equipment; and manipulation by superiors, political actors and the judiciary. Common perceptions of police corruption undermine public confidence in the country's police forces.' DFAT assessed that '[S]tate

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Police Reform', (Hameed, Z., Antiterrorism law, page 49), July 2012, http://asiasociety.org/files/pdf/as_pakistan_police_reform.pdf. Accessed: 30 March 2017

[50] Asia Society Independent Commission on Pakistan Police Reform, 'Stabilizing Pakistan through Police Reform', (Abbas, H., Executive summary and report findings, page 12), July 2012, http://asiasociety.org/files/pdf/as_pakistan_police_reform.pdf. Accessed: 30 March 2017

[51] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 5), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[52] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[53] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 70), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

protection in Pakistan is limited by resources shortages, personal means and, in some cases, political will.'[54]

9.2.5 The HRW report also stated:

'Public surveys and reports of government accountability and redress institutions show that the police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan, lacking a clear system of accountability and plagued by corruption at the highest levels. District-level police are often under the control of powerful politicians, wealthy landowners, and other influential members of society. There are numerous reported cases of police extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces.'[55] (See Corruption).

9.2.6 The USSD Human Rights Report stated that:

'During the year [2016] the government continued to use the military to support domestic security. Paramilitary forces, including Rangers and the Frontier Constabulary (FC), provided security to some areas of Islamabad and continued active operations in Karachi. Following the March 27 [2016] Easter suicide bombing attack on Lahore's Gulshan-e-Iqbal Park, which killed 75 individuals, the military launched a limited counterterrorism offensive in southern Punjab, which resulted in the arrest of more than 200 suspected militants, although much of the military's effort focused on criminal gangs in the area.'[56]

9.2.7 Also reporting on military-supported operations DFAT noted:

'Pakistan's Army and paramilitary forces regularly conduct counter-insurgency operations in the FATA and remote parts of Khyber Pakhtunkhwa to increase government control in these areas. According to International Crisis Group (ICG), 49,000 people were arrested on terrorism-related charges between the commencement of the National Action Plan (NAP) in December 2014 and May 2015. Despite the relatively high number of arrests, however, successful prosecutions of those responsible for politically-motivated or sectarian violence are rare. This is because of the ineffectiveness of police investigations, as well as the debilitating effect of threats to judges and witnesses, who are not protected by witness protection programs. ICG also notes that only a small number of those arrested under the NAP belong to extremist groups. Although the NAP proposes legal and

[54] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (paras 5.1 and 5.7), 15 January 2016, Available on request. Accessed: 28 March 2017

[55] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 1), https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[56] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

constitutional amendments to the criminal justice system, there is no clarity about priorities, timelines or resources.'[57]

9.2.8 As reported by the International Crisis Group (ICG) in a February 2017 report, in an attempt to stem rising crime in Karachi, in September 2013 the paramilitary Rangers were drafted into the city, at the behest of the Sindh federal government, to focus on curbing terrorism, targeted killings, kidnapping for ransom and extortion. The Ranger's mandate has repeatedly been extended, most recently in January 2017. The ICG observed '[T]he Rangers were authorised, with few constraints, to detain suspects for 90 days without charge and to shoot-to-kill suspected terrorists.' Although some organised crime – targeted killings and extortion – have reportedly decreased, street crime, gang rape and kidnapping has remained consistent with previous high rates, or increased. However, the Rangers have been accused of human rights violations, including extra-judicial killings, torture and enforced disappearances[58].

9.2.9 A March 2017 HRW report on attacks on students, teachers and schools in Pakistan noted:

'Despite hundreds of attacks on teachers, students and educational institutions, the Pakistani government has not successfully prosecuted the perpetrators in most cases. This failure was highlighted in June 2015, when it was reported that eight out of the ten individuals arrested and charged for the attack [in 2012] on Malala Yousafzai [a student who defended girls rights to education] were acquitted, even after they all confessed to their role in court. Instead of conducting proper investigations and prosecuting those implicated, the Pakistani government constituted secret military courts after the Army Public School attack. Although there have been a number of convictions and even executions since, the families of victims do not know if the actual perpetrators were punished since the trials were conducted in secret.'[59]

9.2.10 The UN Committee against Torture expressed its concern in its 2017 Concluding Observations on Pakistan about:

'[R]eports of violence against and inadequate efforts by the State party's authorities to protect vulnerable individuals, particularly members of Shia, Christian and Ahmadiyya communities and individuals accused of blasphemy, from violence by non-State actors. The Committee is particularly concerned about the conduct of the State party's authorities in the recent case of Mashal Khan, who was killed by a mob after being accused of blasphemy. The Committee is also concerned by reports that the State

[57] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.2), 15 January 2016, Available on request. Accessed: 28 March 2017
[58] International Crisis Group, 'Pakistan: Stoking the Fire in Karachi', (pages ii, 11-12), 15 February 2017, https://d2071andvip0wj.cloudfront.net/284-pakistan-stoking-the-fire-in-karachi.pdf. Accessed: 31 March 2017
[59] Human Rights Watch, 'Dreams Turned into Nightmares - Attacks on Students, Teachers, and Schools in Pakistan', (page 7), 27 March 2017, available at: http://www.ecoi.net/file_upload/1226_1490785948_pakistan0317-web-0.pdf. Date accessed: 11 April 2017

party's authorities have sometimes refrained from promptly investigating reports and prosecuting perpetrators of activities including abduction for ransom by groups including the Haqqani Network and Lashkar-e-Tayyaba.'[60]

See also Human rights abuses by state security forces and Judiciary and the rule of law.

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9.3 Avenues of redress

9.3.1 The IRB of Canada Research Directorate provided details of police complaint mechanisms in Pakistan including: the National Anti-corruption Bureau (NAB); the Public Safety Commission; Police Department Complaints Mechanisms; the judiciary; Ombudsmen; and Citizen Police Liaison Committees (CPLC) [61].

9.3.2 Human Rights Watch stated in its September 2016 report:

'Pakistan's police are widely regarded as among the most abusive, corrupt, and unaccountable institutions of the state. Effective systems of accountability and redress for grievances are crucial in order to transform the police from a repressive institution into a service that impartially protects life and property. Police implicated in serious abuses are almost never brought to justice… In addition to police practices that facilitate impunity and institutional constraints raised by the police, specific provisions of the law, some dating back to colonial British rule, including the Criminal Procedure Code (1898), the Maintenance of Public Order Ordinance(1960), and the recently enacted Protection of Pakistan Act (2014), all contribute to a legal framework that protects the police from accountability. The Pakistani government's tendency to use such legislation has increased as the state has become further embroiled in sectarian violence, militancy, and ethnic conflicts.'[62]

9.3.3 In September 2016 the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated its concern 'that no comprehensive mechanism for full and prompt reparation, including social and medical assistance to relatives of disappeared persons, has been established and regrets the information that family pensions are granted to wives of disappeared persons only if the disappeared person was a government servant.'[63]

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[60] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 36), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[61] Immigration and Refugee Board of Canada, Pakistan: Police corruption; authorities responsible for receiving complaints against the police, including effectiveness; procedures to submit a complaint against the police (2012-January 2016) , 14 January 2016, PAK105368.E, available at: http://www.refworld.org/docid/56af1a9f4.html. Date accessed 30 March 2017

[62] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (pages 5-6), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 29 May 2017

[63] UN Human Rights Council, 'Report of the Working Group on Enforced or Involuntary Disappearances, Addendum : Follow-up report to the recommendations made by the Working Group : Missions to Congo and Pakistan', (paragraph 36), 13 September 2016, A/HRC/33/51/Add.7, available

9.3.4 In their September 2016 submission to the UN ECOSOC, Justice Project Pakistan and the World Organisation against Torture stated:

'In the absence of a legislative framework criminalising torture by police and establishing an independent investigation mechanism for allegations of torture, police in Pakistan face virtual impunity to torture. The current legal recourse available to survivors of police torture in Pakistan is to file complaints with the police for allegations of torture against their colleagues. It is further common that police officers ask for bribes for a First Information Report to be registered. It is therefore, no surprise that torture complaints rarely lead to prosecutions and penalties for perpetrators. In lieu of their unfeterred powers, the police frequently employ torture against socio-economically disadvantaged populations. As a result of their vulnerable position in society, these survivors are even less likely to pursue retributive action. A study conducted by the Justice Project Pakistan (JPP) and Allan K. Lowenstein International Human Rights Clinic, discovered that out of 1,867 Medico-Legal Certificates (MLCs), prepared by a District Standing Medical Board (DSMB) for the city of Faisalabad during 2006 to 2012, there were 1,424 confirmed cases of police abuse.'[64]

9.3.5 The UN Committee against Torture stated in its 2017 Concluding Observations on Pakistan that:

'While welcoming the efforts of the Government to create new rehabilitation centres that provide medical and psychological assistance, the Committee is concerned about reports that many victims of torture are unable to access redress and compensation. It is also concerned at the lack of information provided by the State party on cases in which victims of acts of torture or ill-treatment committed by public officials have obtained compensation or other forms of redress.'[65]

9.3.6 The Committee regretted that:

'[P]olice officers reportedly frequently threaten or are not responsive to persons who seek to register First Information Reports alleging official misconduct; that officers are charged with investigating allegations of torture committed by their colleagues and that the Federal Investigation Agency is not sufficiently independent to ensure that criminal cases against police officers are effectively pursued; that the oversight bodies contemplated by the State party's legislation are not operational or effective in practice; and that, although medical doctors have documented evidence of torture in many cases, the authorities are reluctant to take action on the basis of that information.'[66]

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at: http://www.refworld.org/docid/57e14c7f4.html. Accessed: 19 June 2017

[64] World Organisation Against Torture, 'Economic, Social and Cultural Causes of the Death Penalty and Torture in Pakistan', (page 2), September 2016, available at: http://www.refworld.org/docid/57e1399f4.html. Accessed: 20 June 2017

[65] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 42), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[66] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 8), 1 June 2017, http://daccess-

See Torture and ill-treatment.

9.3.7 The Committee also expressed its deep regret that '[T]he State party's report did not contain, and that the delegation of the State party could not provide, the data requested on prosecutions and convictions of public officials for conduct amounting to torture under the Convention; information on the progress of particularly significant investigations; data on the number, capacity and occupancy rate of places of detention in the State party; and data on redress, including compensation provided in cases of torture and ill-treatment.'[67]

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10. Arrest and detention – legal rights

10.1 Powers of arrest

10.1.1 The HRW report on police abuse and reform indicated that Pakistan's Criminal Code of Procedure allowed 'Police in Pakistan [to] have expansive powers of arrest and detention.' The report noted:

'They are authorized to arrest without a warrant any person against whom there is "reasonable suspicion" of being involved or "concerned in" certain types of criminal offenses, or against whom there exists a "reasonable complaint" or "credible information" of such involvement. This includes individuals who are in possession of anything "which may reasonably be suspected to be stolen property." In addition, police can also arrest without a warrant a person whom they know or suspect of "designing" to commit certain types of offenses.'[68]

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10.2 First Information Reports (FIRs)

10.2.1 The USSD Human Rights report stated 'A First Information Report (FIR) is the legal basis for any arrest, initiated when police receive information about the commission of a "cognizable" offense.'[69] A cognizable offence is defined as an offence for which the police may arrest a person without a warrant[70]. The USSD report continued:

'A third party usually initiates an FIR, but police can file FIRs on their own initiative. A FIR allows police to detain a suspect for 24 hours, after which a

ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[67] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 44), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[68] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 32), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[69] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[70] Pakistan Code of Criminal Procedure 1898 as amended by Act 2 of 1997, (Part 1, 4(f)), https://www.oecd.org/site/adboecdanti-corruptioninitiative/39849781.pdf. Date accessed 31 March 2017

magistrate may order detention for an additional 14 days if police show detention is necessary to obtain evidence material to the investigation. Some authorities did not observe these limits on detention. Authorities reportedly filed FIRs without supporting evidence in order to harass or intimidate detainees, or did not file them when adequate evidence was provided unless the complainant paid a bribe. There were reports of persons arrested without judicial authorization.'[71]

10.2.2 DFAT noted that in practice investigations often took longer than the requisite 14 days, particularly for complex cases. DFAT added 'Although Pakistan's provinces and territories have independent prosecution services, police are exclusively responsible for investigations and consequently have a substantial influence on the outcome of individual cases.'[72]

10.2.3 According to a Human Rights Watch (HRW) report of September 2016:

'Several people interviewed for this report, particularly members of marginalized socioeconomic groups, raised concerns about not being able to register a First Information Report (FIR) with police because of what one activist described as the "financial cost of doing business with the police" –an allusion to bribe-taking – or the fear of harassment or threat. It is difficult for those without political or financial influence to file an FIR, particularly if they seek to implicate someone more powerful in a crime. As one senior police officer said, the FIR is often used as a "tool of oppression… by the ruling elite against the weak and powerless"...

'Investigation of registered cases is another area of concern particularly for vulnerable categories including women, minorities, and the poor. Human rights organizations have noted that registration and subsequent investigation of cases is particularly arduous for female victims of sexual assault. Such cases remain highly underreported because of the misogynist and biased attitude of state institutions, such as the police and judiciary, and society at large; in many instances, women who are sexually assaulted are not considered "victims" but are instead blamed for inviting the attack.".'[73]

See also the Country Policy and Information on Pakistan: Women fearing gender-based harm/violence.

10.2.4 The HRW report further noted that, in practice, the police usually make a note of a complaint in the roznamcha (a register that records the daily activities of a police station) rather than formally recording a FIR. HRW noted:

[71] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[72] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.5), 15 January 2016, Available on request. Accessed: 28 March 2017

[73] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (pages 2-3), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

'Human rights activists say police are less likely to register complaints brought by those from marginalized groups [e.g. women, religious minorities], and also those alleging that a crime was committed by a powerful person. In many instances where perpetrators have ties with powerful citizens, FIRs may ultimately be registered but against "unknown persons," allowing them to escape investigation.

'By not registering FIRs, police are able to avoid their legal obligation to investigate the matter. Officials explained that according to the law, once an FIR is registered, the police are bound to investigate the complaint unless they provide written reasons for not doing so. Furthermore, canceling a registered FIR is "extremely difficult and ultimately entirely at the discretion of the courts".'[74]

See also Fraudulent documents for information on the fraudulent production of police-issued FIRs.

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10.3 Bail

10.3.1 As noted in the USSD Human Rights Report

'There was a functioning bail system. Human rights groups, noted, however, that some judges set bail based on the particular circumstances of a case instead of following established procedures. Judges sometimes denied bail at the request of police or the community and victims, or upon payment of bribes. NGOs reported that authorities sometimes denied bail in blasphemy cases on the grounds that defendants, who faced the death penalty, were likely to flee or were at risk from public vigilantism. Bail is not available in antiterrorism courts or in the military courts established under the January 2015 amendment to the constitution.'[75]

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11. Human rights abuses by state security forces

11.1 Arbitrary arrest and detention

11.1.1 HRW stated 'Discussions with NGOs and accounts from many former detainees indicate that police routinely abuse their powers, and arbitrarily arrest and detain people.'[76] The USSD Human Rights Report noted 'There were reports police arbitrarily detained individuals to extort bribes for their release or detained relatives of wanted individuals to compel suspects to

[74] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 21), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[75] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[76] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 32), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

surrender.'[77] Amnesty International reported that the Rangers, a paramilitary group under the command of the Pakistan Army, committed arbitrary arrests[78].

11.1.2 The DFAT report noted:

'In July 2014, Pakistan's Parliament passed the Protection of Pakistan Act 2014. The anti-terror legislation includes powers to hold detainees without charge for up to 60 days and withhold the location of detainees in the interests of security, although this does not extend to the Supreme or High Courts. Under the Act, security forces are able to use force to prevent the commission of specified offences. The statute also places the onus on those charged under the Act to prove their innocence, reversing a general presumption of innocence in criminal cases.'[79]

11.1.3 HRW indicated in its September 2016 report that:

'Pakistani police also use their extensive powers of registration of cases, arrest, and detention at the behest of powerful societal elites (the wealthy, politicians, landowners, and civil and military bureaucracy) to bring false charges against perceived opponents as a form of intimidation or punishment. Many are arbitrarily arrested... Some family members said that police threatened to lodge false cases against them if they continued to pursue complaints of police abuse.'[80]

11.1.4 In September 2016, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated 'The Working Group is concerned at the information that there are persons who are detained in unofficial detention centers with no contact with their families and lawyers.'[81]

11.1.5 In 2017, the UN Committee against torture, in its Concluding Observations stated:

'While noting that the legislation of the State party guarantees legal safeguards such as prompt access to a lawyer, family access and the requirement that all arrested persons must be presented to a magistrate within 24 hours of detention, the Committee is concerned about reports that these safeguards are not provided in practice. The Committee is further

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[77] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[78] Amnesty International, 'Annual Report Pakistan 2016/2017', (Police and security forces), 22 February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/. Accessed: 31 March 2017

[79] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 4.15), 15 January 2016, Available on request. Accessed: 28 March 2017

[80] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 3), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[81] UN Human Rights Council, 'Report of the Working Group on Enforced or Involuntary Disappearances, Addendum : Follow-up report to the recommendations made by the Working Group : Missions to Congo and Pakistan', (paragraph 27), 13 September 2016, A/HRC/33/51/Add.7, available at: http://www.refworld.org/docid/57e14c7f4.html. Accessed: 19 June 2017

concerned by the lack of effective implementation of the right to request and receive an independent medical exam promptly upon deprivation of liberty and that not all detained persons are recorded promptly in a comprehensive central detention register that is accurate and accessible to family members of detainees.'[82]

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11.2 Torture and ill-treatment

11.2.1 The USSD Human Rights Report for 2016 noted that:

'Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment, the criminal code has no specific section against torture. It prohibits causing "hurt" but does not mention punishing perpetrators of torture. There are no legislative provisions specifically prohibiting torture. There were reports that security forces, including the intelligence services, tortured and abused individuals in custody.'[83]

11.2.2 Reporting on the police abuse of 2 Christian men, arrested on suspicion of robbery in Lahore, The Nation stated in May 2016 that 'The police during interrogation uses [sic] multiple methods of torture to extort cash and information from crime suspects... Sources in the police department revealed that the Operations, Investigations, and CIA wings of the City police had set up more than 100 private torture cells in the jurisdiction of 77 police stations in Lahore.' According to the report '[P]olicemen found involved in brutalities are only suspended from service for a few weeks. Mostly, they are transferred to other police stations but on the same posts.'[84]

11.2.3 The USSD reported that according to the Human Rights Commission of Pakistan (HRCP):

'... police committed acts they described as "police excesses" in more than 124 cases as of November [2016], compared with more than 178 cases in 2015. Multiple sources reported that torture occasionally resulted in death or serious injury and was often underreported. Acts described by Society for Human Rights and Prisoners' Aid (SHARP) and other human rights organizations included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denying food or sleep, hanging upside down, and forced spreading the legs with bar fetters.'[85]

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[82] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 16), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[83] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1c), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[84] The Nation, 'Police use of brutal torture methods continues unabated', 9 May 2016, http://nation.com.pk/featured/09-May-2016/police-use-of-brutal-torture-methods-continues-unabated. Accessed: 10 April 2017

[85] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1c), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed:

11.2.4 HRW indicated in its report on police abuse that torture and ill-treatment by police against persons in custody was a frequent occurrence, particularly during criminal investigations. The report noted:

'Several police officers who spoke to Human Rights Watch sought to justify the use of physical force as a necessary technique to obtain convictions. A station house officer said:

"We have different techniques: we keep them awake for a couple of days, we slap them around, we use littar [strips of leather commonly used for beatings]. The technique depends on the situation. If the person is not a hardened criminal, he will begin speaking the truth if spoken to in a harsh tone or after a couple of slaps. If, however, he is a hardened criminal, we have to resort to other treatments"...

'Senior officials also said that physical force is often used because the police are not trained in sophisticated methods of investigation and forensic analysis.'[86]

11.2.5 The Justice Project Pakistan (JPP), a 'non-profit, human rights law firm in Lahore, Pakistan providing pro bono (free) legal advice and investigative services to those facing the death penalty, who have suffered police torture, are mentally ill, or are victims in the war on terror', noted Pakistan's failure to define torture under international law. The JPP reported in November 2016 that:

'Torture by police and other law enforcement agencies is endemic and systemic in Pakistan. Not only is it considered a part of everyday routine but its perpetrators enjoy a functional impunity due to a mix of socio-cultural acceptance, procedural loopholes, lack of oversight and Pakistan's neglect in defining terms of torture... Over 10,000 cases of torture in police custody were reported in Pakistan from 2000 to 2010. However, it is imperative to note that the real figure must be much higher as torture remains woefully under reported and under prosecuted.'[87]

11.2.6 The same report stated 'Police often subject victims to multiple forms of abuse. Tactics include: severe beating, suspension, stretching and crushing, witnessing other people's torture, solitary confinement, sleep deprivation, cultural humiliation, sexual violence, and light deprivation or exposure to extreme temperatures.'[88]

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[86] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 36), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[87] Justice Project Pakistan, 'JPP's Torture Watch; Torture in Pakistan – A Primer', 8 November 2016, https://jpptorturewatch.wordpress.com/2016/11/08/torture-in-pakistan-a-primer/#more-282. Date accessed 10 April 2017

[88] Justice Project Pakistan, 'JPP's Torture Watch; Torture in Pakistan – A Primer', 8 November 2016, https://jpptorturewatch.wordpress.com/2016/11/08/torture-in-pakistan-a-primer/#more-282. Date accessed 10 April 2017

11.2.7 According to DFAT 'In some cases, authorities have taken action against police allegedly involved in torture cases.'[89]

11.2.8 In its 2016 report Amnesty International stated:

'Security forces including the Rangers, a paramilitary force under the command of the Pakistan Army, perpetrated human rights violations such as arbitrary arrests, torture and other ill-treatment, and extrajudicial executions. Security laws and practices, and the absence of any independent mechanisms to investigate the security forces and hold them accountable, allowed government forces to commit such violations with near-total impunity. Victims included members of political parties, in particular the Muttahida Qaumi Movement (MQM), and human rights defenders.

'On 1 May, plainclothes police arrested Aftab Ahmed, a senior MQM member. On 3 May, after he was moved to Rangers custody, news of his death emerged, alongside photographs apparently showing wounds sustained during torture. The Director-General of the Rangers for Sindh publicly acknowledged that Aftab Ahmed had been tortured in custody, but denied that his forces were responsible for the death. According to media reports, five Rangers soldiers were suspended after an investigation ordered by the Chief of Army Staff, but no further information was made public.'[90]

11.2.9 The Committee against Torture expressed its concern:

'... about reports that cases of death in custody due to torture and allegations of sexual abuse of minor prisoners by prisoners and prison staff have not been subject to effective investigations and perpetrators of such acts have not been punished.' The Concluding Observations continued 'The Committee is further concerned at reports that severe overcrowding and very poor conditions are pervasive in places of detention in the State party, including unsanitary facilities and insufficient access to medical services.'[91]

See also the Country Policy and Information on Pakistan: Prison conditions.

11.2.10 In its 2017 Concluding Observations on the initial report of Pakistan, the UN Committee against Torture noted with concern at 'Allegations of widespread use of torture by police'. The report added:

'While noting with appreciation the State party's rejection of torture and the efforts made to develop and strengthen mechanisms to implement its obligations under the Convention, the Committee is deeply concerned at consistent reports that the use of torture by the police with a view to obtaining confessions from persons in custody is widespread throughout the territory of the State party. While the State party indicated that disciplinary measures had been taken against more than 7,500 police officers in Punjab

[89] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 4.11), 15 January 2016, Available on request. Accessed: 28 March 2017
[90] Amnesty International, 'Annual Report Pakistan 2016/2017', (Police and security forces), 22 February 2017, https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/. Accessed: 23 May 2017
[91] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 28), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

and Khyber Pakhtunkhwa provinces as punishment for involvement in torture, death in custody, misuse of official power, misbehaviour and illegal confinement, no information was provided to the Committee indicating that criminal proceedings had been initiated against any of the police officers concerned. The Committee notes that, during the dialogue, the State party provided information on 13 cases in which prosecutors had brought charges against members of the police, including cases of alleged extrajudicial killing and torture. However, no indication was given of whether any of the cases has yet resulted in criminal penalties.'[92]

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11.3 Extra-judicial killings

11.3.1 In its July to December 2016 update on human rights in Pakistan, the FCO noted 'Reports of extra judicial killings by security forces continued.'[93] The USSD Human Rights Report for 2016 noted 'There were numerous reports that authorities committed arbitrary or unlawful killings. Security forces reportedly committed extrajudicial killings in connection with conflicts in Punjab, Balochistan, FATA, Sindh, and KP[K].'[94]

11.3.2 HRW indicated that '...faked "encounter killings" are a particularly common form of extrajudicial killings by police. An encounter killing occurs when the police justify the killing of a criminal suspect either as an act of self-defense or as a means of preventing suspects from fleeing arrest or escaping from custody.' The report added:

'Many senior police officers who spoke to Human Rights Watch, particularly in Punjab, did not deny the practice of killing suspects in faked encounters. An officer in Sahiwal said:

"Yes, junior officers do stage encounters and kill suspects. I have stopped them and explained that this is not a solution for dealing with hardened offenders, and that it will only lead to further hatred and mistrust of the police. But they don't care. As far as they are concerned, encounters are the perfect way of getting rid of hardened criminals. They do not consider it a gross violation of human rights and instead see it as an effective way of delivering justice".'[95]

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[92] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 6), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[93] Foreign and Commonwealth Office, 'Pakistan – Human Rights Priority Country status report: July to December 2016', 8 February 2017, https://www.gov.uk/government/publications/pakistan-human-rights-priority-country/human-rights-priority-country-update-report-july-to-december-2016. Accessed: 31 March 2017

[94] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1a), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[95] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 43), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

11.3.3 HRW reported police officers as saying that the police only targeted "hardened" criminals. One officer told HRW that 'In general, they [the police] only kill habitual offenders and criminals who have committed heinous crimes such as rape, armed dacoity [banditry], multiple murders, kidnapping, etc.' The HRW continued 'Senior police officers openly admitted to Human Rights Watch that "junior officers do stage encounters and kill suspects," though they were less willing to provide information about the role of senior officials.' The same report stated 'The nongovernmental Human Rights Commission of Pakistan reported that in 2015, over 2,000 people were killed in armed encounters with the police, most in the province of Punjab. Human Rights Watch is concerned that many, if not most, of these encounter killings were faked and did not occur in situations in which lives were at risk.'[96]

11.3.4 The UN Committee against Torture expressed concern '...at reports that members of the State party's military forces, intelligence forces, such as the Inter-Services Intelligence agency, and paramilitary forces, such as the Frontier Corps and the Pakistan Rangers, have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances.'[97]

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11.4 Enforced or involuntary disappearances

11.4.1 In its 2017 report on events of 2016, Freedom House stated 'The military and the intelligence services enjoy impunity for indiscriminate use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses are common. Terrorism suspects, Balochi and Sindhi nationalists, journalists, researchers, and social workers have all been victims of alleged disappearance.'[98]

11.4.2 The USSD Human Rights Report for 2016 noted that:

'There were kidnappings and forced disappearances of persons from various backgrounds in nearly all areas of the country. Some police and security forces reportedly held prisoners incommunicado and refused to disclose their location. Human rights organizations reported many Sindhi and Baloch nationalists as among the missing; for example, the International Voice for Baloch Missing Persons (a separate organization from the VBMP) in August claimed that forced disappearance victims were being killed by security forces in contrived police encounters.'[99]

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[96] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (pages 4 and 43), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017

[97] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 10), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

[98] Freedom House, 'Freedom in the World 2017', (Section F. Rule of law), 31 January 2017 https://freedomhouse.org/report/freedom-world/2017/pakistan. Accessed: 29 May 2017

[99] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 1b), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

11.4.3 In September 2016, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated in a follow-up report 'The Working Group is still gravely concerned about the reported widespread practice of enforced disappearances in Pakistan and the very high number of cases received recently, especially in relation to Sindh. The Working Group observes that there is a climate of impunity in Pakistan with regard to enforced disappearances, and the authorities are not sufficiently dedicated to investigate cases of enforced disappearance and hold the perpetrators accountable... The Working Group remains concerned about reported cases of threats, reprisals and harassment against families of disappeared persons and human rights defenders including lawyers who work on issues related to enforced disappearance.'

The same report stated: 'The Working Group is concerned at the information that there are persons who are detained in unofficial detention centers with no contact with their families and lawyers.'[100]

11.4.4 In an oral statement to the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances on 15 September 2016, the International Committee of Jurists (ICJ), supported by the Human Rights Commission of Pakistan (HRCP) noted that 'The practice of enforced disappearance has persisted and expanded since the Working Group's [2012] visit [to Pakistan]. Previously restricted mainly to Balochistan, the Federally Administered Tribal Areas and Khyber Pakhtunkhwa, enforced disappearances are now a nation-wide phenomenon.' The statement further noted:

'Estimates of the overall number of cases of enforced disappearance vary. The official Commission of Inquiry on Enforced Disappearances has reported nearly 1,400 unresolved cases. The HRCP, an NGO that documents human rights violations in 60 districts, has reported 370 cases of enforced disappearance since 2014. Other NGOs claim between 5,000 to 18,000 cases. Even by the most conservative estimates, a significant number of enforced disappearances remain unresolved. The Government has not brought perpetrators to account in even a single case of enforced disappearance... Victims' groups, lawyers, and activists working on enforced disappearance also continue to face security risks including attacks, harassment, surveillance, and intimidation.'[101]

11.4.5 Media outlets reported that up to 5 activists, all critical of government policies, had reportedly gone missing in Pakistan during the first 2 weeks of January 2017. No group claimed responsibility for the alleged disappearances and the Interior Ministry stated it was looking into the

[100] UN Human Rights Council, 'Report of the Working Group on Enforced or Involuntary Disappearances, Addendum : Follow-up report to the recommendations made by the Working Group : Missions to Congo and Pakistan', (paragraphs 24-27), 13 September 2016, A/HRC/33/51/Add.7, available at: http://www.refworld.org/docid/57e14c7f4.html. Accessed: 19 June 2017

[101] International Committee of Jurists, 'Oral Statement of the International Commission of Jurists, supported by Human Rights Commission of Pakistan, in the Interactive Dialogue with the Working Group on Enforced or Involuntary Disappearances - Enforced Disappearances in Pakistan', 15 September 2016, https://www.icj.org/wp-content/uploads/2016/09/HRC33-OralStatement-Disappearances-Pakistan-15092016.pdf. Accessed: 11 April 2017

issue[102][103]. According to Radio Free Europe/Radio Liberty, rights groups suspected the activists were abducted by Pakistan's intelligence services[104]. On 3 February 2017, Amnesty International stated that 4 of the missing – academic and poet, Salman Haider, and bloggers Asim Saeed, Ahmed Raza Naseer and Waqas Goraya – had been returned to their families, whilst Samar Abbas of the Civil Progressive Alliance Pakistan remained missing[105]. One of the released, Waqas Goraya, told BBC News that 'a "government institution" with links to the military held him and tortured him.'[106]

11.4.6 The UN Committee against torture expressed concern that:

'[E]nforced disappearance is not criminalized as a distinct offense by the State party. It is further concerned at reports that hundreds of enforced disappearances have been reported in recent years in the State party and that the State party's authorities have not taken adequate steps to investigate them and to identify those responsible. The Committee is also concerned by reports that the national Commission of Inquiry on Enforced Disappearances is insufficiently independent and lacks resources to carry out its mandate. The Committee regrets that the work of the national Commission of Inquiry has not yet resulted in any criminal prosecutions in cases of enforced disappearance.'[107]

See also Torture and ill-treatment

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12. Corruption

12.1 Overview

12.1.1 The USSD Human Rights 2016 noted that, in Pakistan, although the law provides for criminal penalties for official corruption, it was not implemented effectively, and officials frequently engaged in corrupt practices. The report added 'Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement. Corruption within the lower levels of police was common. Some police

[102] Al Jazeera, 'Forced disappearances will not silence us', 14 January 2017, http://www.aljazeera.com/indepth/opinion/2017/01/forced-disappearances-silence-170114103746777.html. Accessed: 11 April 2017

[103] Voice of America, 'Pakistani Activists Troubled by Mysterious Disappearances of Secular Bloggers', 14 January 2017, http://www.voanews.com/a/pakistan-blogger-disappearances/3676340.html. Accessed: 11 April 2017

[104] Radio Free Europe/Radio Liberty, 'Missing Rights Activist Found In Pakistan', 28 January 2017, (available at ecoi.net) http://www.ecoi.net/local_link/335327/463936_en.html. Accessed: 11 April 2017

[105] Amnesty International, 'Urgent Action: Activists Reunite With Families; One Still Missing', 3 February 2017, http://www.ecoi.net/file_upload/1226_1486456136_asa3356032017english.pdf. Accessed: 11 April 2017

[106] BBC News, 'Pakistan activist Waqass Goraya: The state tortured me', 9 March 2017, http://www.bbc.co.uk/news/world-asia-39219307. Accessed: 11 April 2017

[107] UN Committee against Torture, 'Concluding observations on the initial report of Pakistan', (paragraph 24), 1 June 2017, http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/PAK/CO/1&Lang=E. Accessed: 19 June 2017

charged fees to register genuine complaints and accepted bribes for registering false complaints. Bribes to avoid charges were commonplace.'[108]

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12.2 Police and the judiciary

12.2.1 Transparency International's Global Corruption Barometer (GCB) indicated that, of the 1,078 people surveyed in Pakistan in March 2016[109], 76% considered that most or all police officers in their country were corrupt. Furthermore '[A]round seven in 10 people who came into contact with either the police or the courts [in Pakistan] had to pay a bribe (75 per cent and 68 per cent respectively).' Over a third of respondents (35%) indicated that they thought the level of corruption had increased over the past year[110].

12.2.2 The Immigration and Refugee Board (IRB) of Canada stated that 'In a telephone interview with the Research Directorate [in December 2015], a professor with the Department of Sociology and Criminal Justice at the State University of New York, Oneonta, stated that Punjab is the "worst" region for police corruption, especially "custodial killings," which are incidents whereby individuals are killed in police custody, but the death is blamed on an outside "encounter" such as resisting arrest.'[111]

12.2.3 According to the USSD Human Rights Report 'Anecdotal reports persisted about corruption in the judicial system, including reports of small-scale facilitation payments requested by court staff. Lower courts reportedly remained corrupt, inefficient, and subject to pressure from higher-ranking judges as well as prominent, wealthy, religious, and political figures.'[112]

12.2.4 HRW reported in September 2016 inadequate financial resources was a major obstacle to proper police functioning and that this in itself was linked, and contributed, to corruption in the police force. One senior officer told HRW "Corruption is the most serious problem for the police; I would rank it

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[108] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 4), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

[109] Transparency International, 'People and Corruption: Asia Pacific – Global Corruption Barometer', (page 31), 7 March 2017, http://files.transparency.org/content/download/2118/13484/file/2017_GCB_AsiaPacific_EN.pdf. Accessed: 30 March 2017

[110] Transparency International, 'Global Corruption Barometer 2017, Results for Asia Pacific', (Q1, Q2 and Q4), 7 March 2017, http://www.transparency.org/files/content/publication/2017_GCB_AsiaPacific_RegionalResults.xlsx. . Accessed: 30 March 2017

[111] Immigration and Refugee Board of Canada, Pakistan: Police corruption; authorities responsible for receiving complaints against the police, including effectiveness; procedures to submit a complaint against the police (2012-January 2016) , 14 January 2016, PAK105368.E, available at: http://www.refworld.org/docid/56af1a9f4.html. Accessed: 30 March 2017

[112] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 4), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017

higher than political interference. This is because corruption is the prime cause for mistrust and hatred of the police in society".[113]

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13. Freedom of movement

13.1 Overview

13.1.1 The USSD Human Rights report for 2016 noted that although the law provided for the rights of freedom of movement within the country, foreign travel, emigration, and repatriation, although these rights are limited in practice[114].

13.1.2 DFAT's assessment on internal relocation stated:

'Because of Pakistan's size and diversity, there are viable relocation options for members of most ethnic and religious minorities: internal relocation offers a degree of anonymity and the opportunity for victims to seek refuge from non-state instigated discrimination or violence. Many large urban centres such as Karachi, Lahore and Islamabad are home to mixed ethnic and religious communities and offer a greater degree of anonymity and better opportunities for employment, access to services and state protection than rural or smaller urban areas.'[115]

13.1.3 Freedom House stated:

'There are few legal limitations on citizens' travel or their choice of residence, employment, or institution of higher learning. The main tool for restricting foreign travel is the Exit Control List, which blocks named individuals from using official exit points from the country. The list is meant to include those who pose a security threat and those facing court proceedings, but on occasion it has been used against civil society activists who have worked on issues embarrassing to officials. Separately, restrictions on movement in the FATA were imposed as the army carried out counterinsurgency operations and resettlement programs.'[116]

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13.2 Major urban centres

13.2.1 Assessing the situation in Lahore and Islamabad, DFAT stated:

[113] Human Rights Watch, '"This Crooked System", Police abuse and reform in Pakistan', (page 56), September 2016, https://www.hrw.org/sites/default/files/report_pdf/pakistan0916_web.pdf. Accessed: 30 March 2017
[114] US Department of State, 'Country Report on Human Rights Practices for 2016 – Pakistan', (section 2d), 6 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265546. Accessed: 28 March 2017
[115] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.18), 15 January 2016, Available on request. Accessed: 28 March 2017
[116] Freedom House, 'Freedom in the World 2017', (Section G. Personal Autonomy and Individual Rights), 31 January 2017 https://freedomhouse.org/report/freedom-world/2017/pakistan. Accessed: 29 May 2017

'The population of Lahore grew from 6.3 million people in 1998 to almost 10 million people in 2014. Compared to many other cities in Pakistan, Lahore remains relatively ethnically homogenous and is majority Punjabi. However, the city's demographics continue to change with ongoing internal migration processes. Approximately one million Pashtuns have migrated to Lahore since the 1980s, for example. The security situation in Lahore remains better than many other places in Pakistan, with lower levels of generalised and sectarian violence than many other major population centres. The Pashtun community in Lahore has told DFAT its members feel safe and do not feel threatened by sectarian violence. Shias in Lahore have similarly told DFAT the security situation has improved because of Operation Zarb-e-Azb.

'The population of Islamabad grew from around 800,000 at the time of the 1998 census to almost two million in 2011. Founded in the 1960s, Islamabad has a relatively high population of internal migrants, many from conflict-affected areas in FATA, Khyber Pakhtunkhwa and Balochistan. There are numerous police checkpoints along highways leading into Islamabad, and at major intersections and prominent buildings within the capital. These provide a strong deterrent to militant groups planning attacks in the capital by increasing the risk of detection. Paramilitary Rangers also continue to patrol streets throughout Islamabad, having been deployed throughout the city in April 2014.'[117]

13.2.2 The European Asylum Support Office (EASO) Country of Origin Information Report – Pakistan Country Overview provided brief background information on Pakistan's major cities[118].

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14. Citizenship and nationality

14.1 Citizenship rights

14.1.1 Information issued on the Directorate General of Immigration and Passports website advised that Pakistan citizenship can be acquired in specific circumstances including: 'Foreign ladies married to Pakistani nationals'; and 'Minor Children (below 21 years of Age) of Pakistan Citizen.' Children born to Pakistani nationals outside of Pakistan are citizens by descent. Children born to a Pakistani mother and foreign national father after 18 April 2000 treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 18 countries, including the UK[119].

14.1.2 The Pakistan Citizenship Act, 1951, stated that Pakistan citizenship could be acquired:

[117] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (paras 5.19-5.20), 15 January 2016, Available on request. Accessed: 28 March 2017

[118] European Asylum Support Office, 'EASO Country of Origin Information Report – Pakistan Country Overview' (section 1.1.4), August 2015, https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Pakistan-Country-Overview_Aug_2015.pdf. Accessed: 27 March 2017

[119] Govt of Pakistan, Directorate General of Immigration and Passports, Immigration, 'Citizenship of Pakistan', undated, http://www.dgip.gov.pk/Files/Immigration.aspx. Accessed: 4 April 2017

- By birth – Section 4 of the Citizenship Act;
- By descent – Section 5 of the Citizenship Act;
- By migration – Section 6 of the Citizenship Act;
- By Naturalization – Section 9 of the Citizenship Act;
- By Marriage – Section 10 of the Citizenship Act[120].

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14.2 Identity documents

14.2.1 DFAT noted 'The most reliable forms of documentation in Pakistan are passports and Computerised National Identity Cards (CNICs). Other common forms of documentation include domicile, birth, death and marriage certificates. Drivers' licences are generally considered a less reliable form of identification.'[121]

14.2.2 Passports are issued by the Directorate General of Immigration and Passports, and Computerised National Identity Cards (CNICs) are issued by the National Database and Registration Authority (NADRA). Biometric information is collected in the form of fingerprints[122]. All citizens of Pakistan are entitled to Machine Readable Passports[123].

14.2.3 As regards CNICs, DFAT stated:

'At least 87 million people in Pakistan possess CNICs (the Election Commission of Pakistan registered 86.1 million people as voters on the basis of their CNICs for the 2013 general election). CNICs are the most common and widely used form of identification, including for access to government services. Although FATA residents have reportedly experienced difficulty obtaining CNICs, NADRA continues to deploy mobile registration teams to the FATA to assist with registration and issuance of CNICs.

'Supporting documents required to obtain a CNIC include a person's birth certificate (for a first time applicant), education degree (if applicable) and copies of a relative's CNIC (in most cases father and mother). Illiterate citizens are exempt from age verification and therefore do not need to submit supporting education certificates. Applications from residents in FATA, parts of Khyber Pakhtunkhwa and Balochistan must be counter-signed by Political Agents and Assistant Political Agents. DFAT understands that to obtain a CNIC, applicants must return to their place of origin and register with the local administrative council. Pakistan's new series of CNICs operate with embedded chips and are machine-readable with accompanying biometric

[120] Pakistan Citizenship Act, 1951 [Pakistan], 13 April 1951, available at: http://www.refworld.org/docid/3ae6b4ffa.html. Accessed: 4 April 2017
[121] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (para 5.28), 15 January 2016, Available on request. Accessed: 28 March 2017
[122] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (paras 5.29), 15 January 2016, Available on request. Accessed: 28 March 2017
[123] Government of Pakistan, Directorate General of Immigration and Passports, 'Passport', undated, http://www.dgip.gov.pk/files/Passport.aspx. Accessed: 4 April 2017

information. CNICs are generally valid for 10 years. Unlike Pakistani passports, CNICs do not include information about the bearer's religion.'[124]

14.2.4 In a September 2016 submission to the UN ECOSOC, Justice Project Pakistan and the World Organisation against Torture pointed out 'Almost 46% of Pakistan's total population has no form of official registration to demonstrate age, with figures going as low as 1% in Balochistan and FATA. Only 32% of the population possesses a birth certificate with figures going even lower in rural areas.'[125]

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15. Forged and fraudulent documents

15.1.1 Sources dated between 2012 and December 2014, identified by the Research Directorate, Immigration and Refugee Board of Canada, indicated that the availability and accessibility of forged and fraudulent documents, including academic qualifications, bank statements and property deeds, was widespread in Pakistan[126].

15.1.2 DFAT stated in its January 2016 report on document fraud in Pakistan, noting that:

'NADRA has improved the CNIC and passport-issuing process, reducing the incidence of CNIC and passport fraud. However, genuine documents are sometimes issued under false pretences. In late August 2015, for example, Pakistan's Federal Investigation Authority was reportedly investigating NADRA's alleged issuance of fake CNICs to militants in return for bribes as low as US$100. Pakistani authorities have put in place measures to combat fraudulent issuance of CNICs and can cancel CNICs which are bogus. DFAT has a high degree of confidence in NADRA's ability to determine the identity of Pakistani nationals using biometric and other information, with or without valid travel documents.

'Document fraud is endemic in Pakistan, particularly in those forms of documentation not issued by a competent central authority such as NADRA. For example, it is relatively simple to fraudulently produce police-issued FIRs using existing FIR book numbers. FIRs are hand-written standard forms. There is credible evidence of police in Pakistan accepting bribes to verify fraudulent FIRs. The existence of an FIR does not therefore constitute evidence that the described events actually occurred.

[124] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (paras 5.30-5.31), 15 January 2016, Available on request. Accessed: 28 March 2017

[125] World Organisation Against Torture, 'Economic, Social and Cultural Causes of the Death Penalty and Torture in Pakistan', (page 8), September 2016, available at: http://www.refworld.org/docid/57e1399f4.html. Accessed: 20 June 2017

[126] Immigration and Refugee Board of Canada: Pakistan: Fraudulent documents, including non-identity documents such as academic qualification documents, travel documents, First Information Requests (FIRs), land ownership titles and newspaper articles, and identity documents including identity cards and birth certificates; methods of obtaining fraudulent documents and assessing the credibility of fraudulent documents(2012-December 2014) PAK105021.E, 14 January 2015, available at: http://www.ecoi.net/local_link/295396/416438_en.html. Date accessed 11 April 2017

'More broadly, DFAT is aware of numerous cases of false school and academic records, birth certificates, death certificates, medical records, bank records and documents issued in a legitimate format without proper verification by Pakistani authorities. Pakistan journalists have advised DFAT that people can publish false stories in newspapers for a fee, although this trend appears to be in decline.'[127]

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[127] Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report – Pakistan', (paras 5.45-5.47), 15 January 2016, Available on request. Accessed: 28 March 2017

Version control and contacts

Contacts

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then email the Country Policy and Information Team.

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Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **26 June 2017**

Changes from last version of this note

Updated country information and guidance

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