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Country Policy and Information Note

Pakistan: Actors of protection

Version 3.0

May 2023

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Executive summary

Updated: 25 April 2023

In the reported case of [AW \(sufficiency of protection\) Pakistan \[2011\]](#), the Upper Tribunal, having regard to the CG case [AH \(Sufficiency of Protection, Sunni Extremists\) Pakistan CG \[2002\] UKIAT 05862](#), found that ‘... it cannot be said that such a general insufficiency of state protection has been established.’

The country evidence available since [AW](#) was heard indicates that, despite some failings, in general, the state is both willing and able to offer sufficient protection.

Federal and provincial human rights legislation is in place to protect the fundamental rights of citizens and the Pakistan Penal Code provides for the punishment of criminal acts. There is a functioning police force and judiciary, which are generally accessible.

The onus is on the person claiming asylum to explain and substantiate why the protection mechanisms in place would be unavailable to them. Each case must be considered on its individual facts and merits.

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Assessment

About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is able to obtain protection from the state (or quasi state bodies)

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

1. Material facts, credibility and other checks/referrals

1.1 Credibility

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

1.1.2 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](#)).

In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

Official – sensitive: Start of section

1.1.3 The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

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1.2 Exclusion

1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

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

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2. Protection

- 2.1.1 In general, the state is both willing and able to offer sufficient protection from persons fearing non-state actors. Decision makers must consider each case on its facts, with the onus on the person to demonstrate why they would not be able to obtain protection.
- 2.1.2 In the country guidance case of [AH \(Sufficiency of Protection, Sunni Extremists\) Pakistan CG \[2002\] UKIAT 05862](#), heard on 4 October 2002 and promulgated on 31 December 2002, the Upper Tribunal (UT) held that the state of Pakistan ‘... has a functioning system of criminal law and criminal acts are prosecuted albeit that there may be difficulties which will arise in individual cases in successfully doing so. The degree of protection which the state is required to provide to its subjects is clearly illustrated in the approach of the European Court in Strasbourg to the need to have regard to the difficulties involved in policing modern societies and resources’ (para 17).
- 2.1.3 In the reported case of [AW \(sufficiency of protection\) Pakistan \[2011\] UKUT 31 \(IAC\)](#), heard on 11 November 2010 and promulgated on 26 January 2011, the UT, having regard to the case of [AH](#), found that ‘... it cannot be said that such a general insufficiency of state protection has been established’ (paragraph 34).
- 2.1.4 The UT held that ‘Notwithstanding systemic sufficiency of state protection, a claimant may still have a well founded fear of persecution if authorities know or ought to know of circumstances particular to his/her case giving rise to the fear, but are unlikely to provide the additional protection the particular circumstances reasonably require...’ (Headnote 2).
- 2.1.5 The UT also held that ‘In considering whether an appellant’s particular circumstances give rise to a need for additional protection, particular account must be taken of past persecution (if any) so as to ensure the question posed is whether there are good reasons to consider that such persecution (and past lack of sufficient protection) will not be repeated’ (Headnote 3).
- 2.1.6 The country evidence available since [AW](#) was heard indicates that, despite some failings, state protection remains generally available. While a person’s reluctance to seek protection does not necessarily mean that sufficient protection is not available, it was held in AW that regard must be had to the individual circumstances of a case.
- 2.1.7 Decision makers must therefore consider each case on its facts including any persecution of family members, past persecution and past lack of effective protection which may indicate that sufficient protection would not be available in the future. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.1.8 For information on protection of minority groups, including ethnic and religious minorities, LGBTI persons and women, see the relevant [Pakistan Country Policy and Information Note](#).

- 2.1.9 Federal and provincial human rights legislation is in place to protect civil, political and economic rights, and the of rights women, children and minority groups. The Pakistan Penal Code provides for the punishment of criminal acts (see [Legal framework](#)). In 2022, bills were passed criminalising torture and enforced disappearances (see [Torture and ill-treatment](#) and [Enforced disappearances](#)).
- 2.1.10 As of 2018, the estimated police strength was 530,000. Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh and the Islamabad Capital Territory have their own police service with primary responsibility for domestic security and law enforcement. The semi-autonomous regions of Azad Kashmir and Gilgit-Baltistan also have their own police services. Counter-terrorism forces have been established within provincial police departments to combat sectarian and Islamist militant groups (see Police and paramilitary forces – [General structure](#)).
- 2.1.11 Paramilitary forces, under the authority of the Ministry of Interior, includes the Frontier Corps, which function in Balochistan and Khyber Pakhtunkhwa, and the Rangers, operating in Sindh and Punjab. Both forces undertake border security operations alongside internal law and order operations (see Police and paramilitary forces – [General structure](#)).
- 2.1.12 Police efficacy varies by province. As noted by the Overseas Security Advisory Council (OSAC), overall efficiency is limited due to lack of resources, insufficient and outdated equipment, low salaries and poor training, which can lead to flawed investigations. Police capabilities are affected by interference and influence from superiors, political actors, security forces and the judiciary. Police are susceptible to corruption and petty bribery and, according to surveys by Transparency International, are perceived to be the most corrupt public service at the national level (see Police and paramilitary forces – [Resources and efficacy](#) and [Corruption](#)).
- 2.1.13 Security officials have been implicated in arbitrary arrest and detentions, enforced disappearances of minorities, political activists, journalists and human rights defenders, torture and extrajudicial killings (often described as police encounters) (see [Human rights violations](#)).
- 2.1.14 There are numerous mechanisms for reporting police misconduct and corruption via police complaints services and functioning National Human Rights Institutions (NHRIs), although the Human Rights Commission of Pakistan stated that all commissions lacked the resources to carry out their mandate (see [Oversight and complaint mechanisms](#)).
- 2.1.15 There is a functioning criminal justice system although the effectiveness of the judiciary is limited due to severe delays, large backlogs (over 2 million cases pending as of December 2021) and limited resources. Attempts have been made to reduce the backlog and expedite cases with the introduction of Model Courts and alternative dispute resolution (see Rule of law and the judiciary – [Effectiveness](#) and [Alternative dispute resolution](#)). However, corruption within the judiciary, particularly at the lower levels, is widespread (see [Independence and fair trial](#)).
- 2.1.16 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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Country information

About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

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

Decision makers must use relevant country information as the evidential basis for decisions.

Section updated: 29 March 2023

3. Legal Framework

3.1 Constitution

- 3.1.1 Pakistan's constitution provides for state protection of people's property, lives, places of worship and religious beliefs, and that each person shall be entitled to equal protection of law. The constitution also provides for fair trial and due process¹.

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3.2 Penal Code and Code of Criminal Procedure

- 3.2.1 The [Pakistan Penal Code](#) (PPC) of 1860 is the main criminal code of Pakistan and provides for the punishment of offences prescribed in the PPC². It has been amended several times since its inception³.
- 3.2.2 The [Code of Criminal Procedure](#), 1898, is the main legislation on procedure for administration of substantive criminal law in Pakistan. It provides the tools needed for criminal investigations, arrest of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of procedure⁴. It has been amended several times⁵.

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3.3 National human rights legislation

- 3.3.1 The Ministry of Human Rights (MoHR) resource portal provided a link to Federal & Provincial [human rights legislation](#) that protects the rights of women, children, persons with disabilities, elder persons, transgender persons, minorities, prisoners and other marginalized and vulnerable groups in Pakistan⁶.

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¹ Pakistan.org, '[The Constitution of the Islamic Republic of Pakistan](#)' (Chapter 1), 1973

² Pakistan.org, '[Pakistan Penal Code](#)', 1860

³ Senate of Pakistan, '[Pakistan Penal Code](#)' (Amendments), various dates

⁴ Khalid Zafar & Associates, '[Code of Criminal Procedure](#)', 1898

⁵ Senate of Pakistan, '[Code of Criminal Procedure](#)' (Amendments), various dates

⁶ MoHR, '[Human Rights Legislation of Pakistan](#)', no date

3.4 International covenants

3.4.1 The MoHR noted that Pakistan has signed and ratified 7 UN core international human rights treaties and 2 additional protocols, including the:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child, including its optional protocols which restricts the involvement of children in armed conflict and the prohibition of the sale of children, child prostitution and child pornography⁷

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Section updated: 29 March 2023

4. Police and paramilitary forces

4.1 General structure

4.1.1 The US Department of State noted in its human rights report for 2022 (USSD HR Report 2022) that:

‘Police have primary domestic security responsibility for most of the country. Local police are under the jurisdiction of provincial governments. Paramilitary organizations, including the Frontier Corps that operates in Balochistan, Khyber Pakhtunkhwa, and the former Federally Administered Tribal Areas, as well as the Rangers that operate in Sindh and Punjab, provide security services under the authority of the Ministry of Interior. The Frontier Corps’ primary mission is security of the border with Afghanistan, and the corps reports to the Ministry of Interior in peacetime and the army in times of conflict.’⁸

4.1.2 In October 2019, the International Federation for Human Rights (FIDH) reported on the outcome of a joint mission with the Human Rights Commission of Pakistan (HRCPP), which focussed on the criminal justice system and the death penalty. The report noted that:

‘Law enforcement in Pakistan is composed of both federal and provincial police services. At the federal level, specialized law enforcement agencies include the Federal Investigation Agency, the Intelligence Bureau, the Anti-Narcotics Force, the National Counter Terrorism Authority, and the Railways Police.

⁷ MoHR, ‘[UN Core Treaties](#)’ no date

⁸ USSD, ‘[Country Report on Human Rights Practices](#)’ (Executive summary), 20 March 2023

‘General policing and law enforcement is undertaken primarily at the provincial level. Each of the four provinces – Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh – and the Islamabad Capital Territory have their own police service. The semi-autonomous regions of Azad Kashmir and Gilgit-Baltistan have their own police services, the Azad Kashmir Police and the Gilgit-Baltistan Police, respectively.

‘Each provincial police service is run by a Commissioner of Police, who is appointed to serve as the Inspector-General of Police (IGP) and acts as the head of police for that province. The IGP for each province as well as the IGP for the Islamabad Capital Territory report to the Ministry of Interior.’⁹

4.1.3 Counter-terrorism forces have been established within provincial police departments to combat sectarian and Islamist militant groups^{10 11}.

4.1.4 On paramilitary groups operating in the country, the January 2022 Australian Department of Foreign Affairs and Trade (DFAT) report noted that:

‘In addition to provincial police forces, several paramilitary forces operate in Pakistan. These include the Pakistan Rangers, which mainly operate in Punjab and Sindh provinces. The Rangers are notionally under the authority of the Ministry of the Interior but are headed by an army general and are, in practice, under the control of the military. The Rangers undertake border security operations along the Indian border, as well as internal law-and-order operations. The Frontier Corps perform a similar role to the Rangers in western border regions, including Balochistan, Khyber Pakhtunkhwa and the former FATA.’¹²

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4.2 Resources and efficacy

4.2.1 The estimated police strength in 2018 was 530,000¹³. The Overseas Security Advisory Council (OSAC), a public-private partnership offered by the US Department of State’s Diplomatic Security Service¹⁴, noted in 2022 that the Punjab Police was the largest police force in Pakistan, at over 200,000 active members¹⁵. Statistics published by Sindh Police showed that, as at March 2022, there were just under 115,000 serving police personnel in Sindh province¹⁶. The Government of Khyber Pakhtunkhwa (KPK) noted in an undated article that its police force numbered 70,000¹⁷. According to an undated publication on the Balochistan Police website there were just over 36,000 serving police officers in Balochistan¹⁸. In Islamabad Capital Territory (ICT), the police force numbered 11,634¹⁹.

⁹ FIDH, ‘[Pakistan: Poor and marginalized suffer disproportionately...](#)’ (page 9), 8 October 2019

¹⁰ CRSS, ‘[The role of CTDs in countering and minimizing terrorism](#)’, 21 February 2019

¹¹ FES/PIPS, ‘[Strengthening Governance in Pakistan...](#)’ (page 28), December 2020

¹² DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 5.11), 25 January 2022

¹³ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 5.9), 25 January 2022

¹⁴ OSAC, ‘[Who We Are](#)’, no date

¹⁵ OSAC, ‘[Pakistan Country Security Report](#)’, 31 May 2022

¹⁶ Sindh Police, ‘[Sanctioned strength: Strength of Executive Staff](#)’ (page 41, Grand total), March 2022

¹⁷ Government of KPK, ‘[KPK Police](#)’, no date

¹⁸ Balochistan Police, ‘[Human Resource Management Information System](#)’, no date

¹⁹ ICT Police, ‘[Organization](#)’, no date

- 4.2.2 Global Fire Power, described as an independent ‘statistics-based website tracking defence-related information of 145 nations...’²⁰, noted in its Global Fire Power Index, that there were 500,000 paramilitary personnel in Pakistan²¹.
- 4.2.3 The UN Office on Drugs and Crime (UNODC) reported in April 2021 that ‘Female police officers constitute only around 1.5 percent of the entire police force in Pakistan.’²²
- 4.2.4 The Government of Pakistan (GoP) commented in its second periodic report to the UN Committee against Torture (UNCAT), published 19 December 2022, that:
- ‘Women friendly helpdesks have been established at 98% of all Police Stations across Punjab and there are three women police stations (at Lahore, Rawalpindi, and Faisalabad). All Islamabad police stations have women’s helpdesks. Human rights and women rights desks have also been established in police stations in over 15 districts in KP. The KP Integrated Victim Support Network has also been set up to link up a network of relevant services providers (police, hospital, social welfare shelters, etc) which is to be introduced in five districts – Swat, Peshawar, Mardan, Charsadda, Abbottabad. Meanwhile in Sindh and Baluchistan, District Complaint Cells, Women Complaint Cells, Safe Houses, Police Helplines and Police Stations have mechanisms to deal exclusively with women related issues. Sindh also has a helpline (0800-70806) and the Sindh Legal Advisory Call Centre to provide legal advice to women and victims of gender-based violence. Meanwhile, in January 2021, the Baluchistan government launched ‘Baluchistan Women Helpline: 1089’ for registration of complaints against women harassment at home and work place. The women could register their complaints on the helpline regarding harassment, domestic violence, harassment at work place and property issues.’²³
- 4.2.5 According to Punjab Police News, reporting in December 2020, ‘There are 718 total police stations of Punjab Province in 36 districts from which 4 police stations are established specially for women.’²⁴ Furthermore, female police officers were stationed at help desks in police stations across Punjab²⁵. The Citizens Police Liaison Committee (CPLC), established under a notification by the Sindh Government as a ‘... Non-Political Statutory Organization which provides relief to victims of crimes and provides Technical support to LEAs [local enforcement agencies],’ listed 114 police stations across 6 Karachi districts²⁶. The ICT Police listed 25 police stations, including one ‘Women Police Station’²⁷. Balochistan Police recorded its police stations across the provinces 7 administrative divisions²⁸, which

²⁰ Global Firepower, ‘[Global Firepower - 2023 World Military Strength Rankings](#)’, no date

²¹ Global Firepower, ‘[2023 Pakistan Military Strength](#)’, 4 January 2022

²² UNODC, ‘[Female Police Officers Step into the Frontlines as First Responders...](#)’, 26 April 2021

²³ UNCAT, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 107 (c)), 19 December 2022

²⁴ Punjab Police News, ‘[Punjab Police Pakistan – A Complete Introduction...](#)’, 20 December 2020

²⁵ Punjab Police, ‘[Women Help Desks](#)’, no date

²⁶ CPLC, ‘[List of Police Stations](#)’, no date

²⁷ ICT Police, ‘[Police stations](#)’, no date

²⁸ Balochistan Police, ‘[Police Regions](#)’, no date

included 22 police stations in Quetta²⁹. The Government of KPK listed 265 police stations, including 2 Women Police Stations, across 24 districts³⁰.

- 4.2.6 The January 2022 DFAT report noted that ‘Police capacity and effectiveness in Pakistan is limited by a lack of resources, poor training, insufficient and outmoded equipment, and competing pressures from superiors, political actors, security forces and the judiciary.’³¹ The same report noted that:

‘Some groups are denied adequate state protection on discriminatory grounds... Despite measures introduced to curb violence across the country under the NAP [National Action Plan] – including strengthened powers for military and paramilitary security forces and the establishment of military courts – successful prosecution for politically motivated or sectarian violence is rare. This is due to ineffective police investigations, a lack of forensic capabilities and prosecution and judicial legal understanding, and threats against judges, lawyers, witnesses and their families.’³²

- 4.2.7 The OSAC commented on the police forces that operated across the country, excluding Balochistan:

‘While Islamabad has a large police force, resource constraints affect the efficacy of police operations. Low salaries and a lack of equipment are pervasive issues throughout the country...

‘The efficacy of police services in Karachi is diminished by a lack of training and resources; police also receive relatively low salaries. As a result, political influence and bribery may impact the conduct of investigations, arrests, and prosecutions. Nonetheless, the Sindh force of the Pakistan Rangers has significantly diminished the capabilities of militant groups in the province...

‘The Punjab Police clearly lack funds, resources, and training along with the rest of the Pakistani Police Services... though the government is working to improve the situation with computerization and modernization. As of 2020, approximately 10,000 surveillance cameras monitor Lahore under the Punjab “Safe City” Project, part of a nationwide project. The system features a 24-hour command center where police officials monitor various areas of the city, looking for criminal or terrorist activities. These cameras also monitor traffic, with violators receiving mailed violations based on license plate numbers.

‘The security agencies in northwest Pakistan comprise civilian and military forces. Security forces are largely professional, but lack equipment, communications technology, and training. In general, police response to criminal incidents is inconsistent. Police and government forces are common targets of terrorist attacks. The local threat environment requires authorities to prioritize counterterrorism, force protection, and infrastructure security.’³³

- 4.2.8 An article published in August 2021 by the Research Society of International Law (RSIL), a private sector research and policy institution based in

²⁹ Balochistan Police, ‘[Quetta](#)’, no date

³⁰ Government of KPK, ‘[Police Station & Police Posts](#)’, no date

³¹ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 5.9), 25 January 2022

³² DFAT, ‘[Country Information Report Pakistan](#)’ (paragraphs 5.1 to 5.2), 25 January 2022

³³ OSAC, ‘[Pakistan Country Security Report](#)’, 31 May 2022

Pakistan³⁴, reported on the delayed registration of First Information Reports (FIRs):

‘A criminal investigation begins with the registration of an FIR. To ensure proper rule of law, the police are bound to register an FIR impartially and instantaneously. This, in theory, would enable the provision of justice through prompt investigation of the reported matter. However, facts on the ground do not align with the legal obligations of the police. Police often delay registering FIRs. Considering that a police officer is accountable for investigating a cognizable offence upon the registration of an FIR, officers tend to delay or avoid registering FIRs to avoid additions to their workload. Similarly, some officers also delay FIRs to conceal their poor performance. Since a higher number of FIRs reflects a deteriorating law and order situation, Station House Officers (SHOs), who are accountable for high crime rates, avoid registering FIRs to avoid accountability. Lastly, there are also occasions when the police are forced into delaying or avoiding the registration of FIRs. These cases often involve the abuse of power by politically and socially connected individuals who use their connections to shield themselves from criminal proceedings. All of the highlighted issues with the FIR registration process have a detrimental impact on the efficiency of the criminal justice sector, and subsequently, the status of rule of law in the country.’³⁵

- 4.2.9 The same article also noted that ‘The police in Pakistan lack the requisite expertise and resources to collect appropriate circumstantial or forensic evidence during investigations. This results in an overreliance on ocular evidence by the police, as well as the judiciary and prosecutors.’³⁶

See also [Corruption](#)

For further information on FIRs see the [Country Policy and Information Note on Pakistan: Documentation](#).

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4.3 Corruption

- 4.3.1 The January 2022 DFAT report noted that ‘Corruption, both petty and serious, is a major problem in Pakistan. It is driven by low public sector wages and a culture of nepotism, patronage and kinship ties that overrides loyalty to the state or respect for the law.’³⁷
- 4.3.2 The Freedom House 2022 report noted that ‘Police have long been accused of biased or arbitrary handling of initial criminal complaints.’³⁸
- 4.3.3 The USSD HR Report 2022 stated that ‘The law provides criminal penalties for official corruption, but the government generally did not implement the law effectively, and officials frequently engaged in corrupt practices at all levels. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including

³⁴ RSIL, ‘[About - Research Society of International Law | RSIL](#)’, no date

³⁵ RSIL, ‘[Criminal Justice Reform - Delayed FIRs & Witness Protection Programs](#)’, 23 August 2021

³⁶ RSIL, ‘[Criminal Justice Reform - Delayed FIRs & Witness Protection Programs](#)’, 23 August 2021

³⁷ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 2.28), 25 January 2022

³⁸ Freedom House, ‘[Freedom in the World 2022: Pakistan](#)’ (F2), 24 February 2022

bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.³⁹

- 4.3.4 On 9 December 2022, national English language newspaper, Dawn, reported the results of a National Corruption Perception Survey 2022 (NCPS) by Transparency International Pakistan. According to the survey, the police were perceived to be the most corrupt public sector at the national level, followed by tendering and contracting, judiciary and education⁴⁰. Also reporting on the survey, The Express Tribune provided a provincial breakdown, noting that the police were ranked the most corrupt sector in Punjab and the second most corrupt in Sindh, Balochistan and KPK⁴¹.

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Section updated: 29 March 2023

5. Human rights violations

5.1 Arbitrary arrest and detention

- 5.1.1 The USSD HR Report 2022 noted that ‘The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but authorities did not always observe these requirements. Corruption and impunity compounded this problem.’⁴²

- 5.1.2 The same source noted that:

‘Police reportedly detained individuals to extort bribes for their release or detained relatives of wanted individuals to compel suspects to surrender. Ethnic minorities, stateless persons, Afghans, and refugees in the country who lacked official identification documents reported arbitrary arrests, requests for bribes, and harassment by police authorities. There were also reports police, including officers from the Federal Investigation Agency (a border control, criminal investigation, counterintelligence, and security agency), made arrests to extract bribes.’⁴³

[See also Corruption](#)

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5.2 Enforced disappearances

- 5.2.1 The USSD HR Report 2022 noted that ‘Kidnappings and enforced disappearances of persons took place across the country. Some officials from the intelligence agencies, police, and security forces reportedly held prisoners incommunicado and refused to disclose their location.’⁴⁴
- 5.2.2 The DFAT report stated that ‘Those targeted for disappearance include suspected militants, activists, students, opposition politicians, human rights

³⁹ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 4), 20 March 2023

⁴⁰ Dawn, ‘[Police believed to be Pakistan’s most corrupt sector: TI survey](#)’, 9 December 2022

⁴¹ Express Tribune, ‘[Police, judiciary top most corrupt in Pakistan: survey](#)’, 10 December 2022

⁴² USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1d), 20 March 2023

⁴³ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1d), 20 March 2023

⁴⁴ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1b), 20 March 2023

defenders, journalists and lawyers. Disappearances can last as little as hours and as long as years. Some disappeared individuals are killed.⁴⁵

- 5.2.3 According to the USSD HR Report 2022, 'Human rights organizations reported authorities arrested and caused the disappearance of Pashtun, Sindhi, and Baloch human rights activists, as well as Sindhi and Baloch nationalists, without cause or warrant. They also alleged children were detained to pressure their parents.'⁴⁶
- 5.2.4 The BTI 2022 report noted that 'Pakistan continues to experience the enforced disappearance of activists and individuals allegedly kidnapped by the military and intelligence agencies. While legal efforts continue to be made to recover these missing people, attempts to hold the government accountable for these acts have thus far foundered in court, and in parliamentary standing committees and special commissions.'⁴⁷
- 5.2.5 A compilation of UN information to the Working Group on the Universal Periodic Review on the promotion and protection of human rights, published November 2022, noted that:
- 'Various special procedure mandate holders raised concern about the steady increase in the number of enforced disappearances of persons belonging to minorities, in particular Sindhi minorities, political activists, journalists and human rights defenders, in the Province of Sindh. They stated that there appeared to be an apparent pattern of impunity. The persistence and widespread character of those practices raised the concern that they might reflect a policy, or at least a tolerance, on the part of the authorities, which could amount to a policy. They reiterated their recommendation that Pakistan criminalize enforced disappearance.'⁴⁸
- 5.2.6 In October 2022 Dawn reported that the National Assembly passed a bill criminalising enforced disappearances. The Senate is required to pass the bill to make it law⁴⁹. At the time of writing, the bill had yet to be passed by the Senate.
- 5.2.7 The HRCP expressed its concern at the bill, noting that it did not provide for civilian oversight⁵⁰.
- 5.2.8 The GoP's 'Commission of Inquiry on Enforced Disappearances', founded in March 2011:
- '... serves as a legal forum for families of alleged disappeared persons to lodge complaints. During investigation of cases, they are kept informed about progress of their cases. The hearing of the cases is done in their presence. The system is absolutely free of cost as neither there is any fee for lodging a complaint nor the complainants are required to engage lawyers to appear before the Commission. The hearings are also held at the provincial capitals with a view to save expenses of the complainants to travel to the federal capital. During investigation of cases, the Commission has

⁴⁵ DFAT, '[Country Information Report Pakistan](#)' (paragraph 4.4), 25 January 2022

⁴⁶ USSD, '[Country Report on Human Rights Practices](#)' (section 1b), 20 March 2023

⁴⁷ Bertelsmann Stiftung, '[BTI 2022 Country Report Pakistan](#)' (Rule of law, page 14), 23 February 2022

⁴⁸ UNHRC, '[Pakistan: Compilation of information prepared...](#)' (paragraph 12), 15 November 2022

⁴⁹ Dawn, '[NA again passes bill criminalising enforced disappearances](#)', 22 October 2022

⁵⁰ HRCP, '[HRCP has reservations about enforced disappearances bill](#)', 24 October 2022

been receiving full co-operation from all stakeholders including Federal and Provincial Governments, Intelligence and Law Enforcing Agencies.’⁵¹

- 5.2.9 The Commission reported that up to August 2021 it had received a total of 8,122 cases of alleged enforced disappearance and resolved 5,853 cases⁵².
- 5.2.10 A 2020 report by the International Commission of Jurists (ICJ) found that since its inception, the Commission of Inquiry on Enforced Disappearances had failed to bring a single perpetrator to justice⁵³.
- 5.2.11 In June 2022, Dawn reported that the Islamabad High Court (IHC) directed the Federal Government to produce missing persons before the court. The IHC also found that the Commission of Inquiry on Enforced Disappearances had not achieved its object and ruled that “‘The Court, after perusal of the [Commission’s] report, is, prima facie, of the opinion that the Commission has failed in its duty nor can it justify its existence in the circumstances.’”⁵⁴
- 5.2.12 An Amnesty International report dated August 2022, based on desk research and remote interviews with families of the disappeared, activists, and journalists⁵⁵, reported that enforced disappearances continued to occur, as confirmed by media reports and the Defence of Human Rights Pakistan (DHR), a civil society organisation which works on enforced disappearances⁵⁶. The report noted that families and activists protesting against enforced disappearance faced violent dispersal, arrest and detention⁵⁷.
- 5.2.13 See also [Oversight and complaint mechanisms](#)

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5.3 Extrajudicial killings

- 5.3.1 The USSD HR Report 2022 stated that:
- ‘There were numerous reports the government or its agents committed arbitrary or unlawful killings. There were reports members of marginalized racial and ethnic communities were overrepresented among the victims of some abuses. Security forces reportedly committed extrajudicial killings in connection with conflicts throughout the country... Government entities generally investigate whether security force killings were justifiable and whether to pursue prosecutions via an order either from the inspector general of police or through the Human Rights Commission of Pakistan (HRCP).’⁵⁸
- 5.3.2 The HRCP described police ‘encounters’ as ‘... a euphemism for extrajudicial killings, where the deaths of citizens during clashes with the police and other security forces are viewed with suspicion.’⁵⁹

⁵¹ UNHRC, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 71), 7 December 2022

⁵² UNHRC, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 72), 7 December 2022

⁵³ ICJ, ‘[Pakistan: Commission of Inquiry on Enforced Disappearances has failed...](#)’, September 2020

⁵⁴ Dawn, ‘[Commission on missing persons has become a liability: IHC](#)’, 24 June 2022

⁵⁵ Amnesty International, ‘[Pakistan: Braving the Storm: Enforced...](#)’ (page 4), 11 August 2022

⁵⁶ Amnesty International, ‘[Pakistan: Braving the Storm: Enforced...](#)’ (page 8), 11 August 2022

⁵⁷ Amnesty International, ‘[Pakistan: Braving the Storm: Enforced...](#)’ (pages 8 to 9), 11 August 2022

⁵⁸ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1a), 20 March 2023

⁵⁹ HRCP, ‘[State of Human Rights in 2018](#)’ (pages 66 to 67), March 2019

5.3.3 The HRCP 2021 report noted that in Punjab province ‘... customary fake encounters continued throughout Punjab, although some effort appears to have been made to check the practice. For instance, a high-level inquiry committee found 23 officials of the Attock police, including two subdivisional police officers and two station house officers, guilty of staging a “fake encounter” in which one alleged car thief was shot dead and another injured.’⁶⁰

5.3.4 According to the BTI 2022 report:

‘Extrajudicial killings are rampant in Pakistan, with the police making use of staged “encounters” to eliminate alleged criminals and routinely employing lethal force in its interactions with the public. In January 2019, a family of four were murdered by police in Sahiwal as they traveled to a wedding. In January 2021, a student named Osama Satti was killed by police in Islamabad after a brief verbal altercation. In both cases, despite promises to the contrary, no substantive action has been taken against the perpetrators of the violence.’⁶¹

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5.4 Torture and ill-treatment

5.4.1 A joint report by the World Organisation Against Torture (OMCT) and Justice Project Pakistan (JPP), published in March 2021, noted that:

‘Torture by police and other law enforcement agencies is so endemic and systematic in Pakistan that it is largely a common practice. Torture is accepted as an inevitable part of law enforcement in Pakistan, and perpetrators of torture are granted impunity through a combination of socio-cultural acceptance, lack of independent oversight and investigation mechanisms, widespread powers of arrest and detention, procedural loopholes and ineffective safeguards, including Pakistan’s failure to criminalise torture.’⁶²

5.4.2 Voicepk.net, ‘Pakistan’s first digital media platform dedicated to investigating, reporting & broadcasting human rights and legal issues happening in the country’⁶³, reported on incidents of police violence, including torture, in 2020 and 2021, drawn from articles collected from Dawn news. The report collected 80 articles pertaining to police torture in 2020 and 56 articles in 2021, the majority of which occurred in Punjab province. Due to limitations, including the reliance on a single source due to lack of resources, Voicepk.net noted that ‘... the report cannot claim to represent the absolute extent of [police violence], however, we may assume that these cases are only the tip of the iceberg.’⁶⁴

5.4.3 The HRCP stated in June 2022 that ‘Allegations of custodial killings and torture in detention centres, police lockups and prisons abound; yet unfortunately, most instances of torture remain invisible. Torture is not only underreported but also difficult to prove in medical reports as has been noted

⁶⁰ HRCP, ‘[State of Human Right in 2021](#)’ (page 31), 2022

⁶¹ Bertelsmann Stiftung, ‘[BTI 2022 Country Report Pakistan](#)’ (Rule of law, page 13), 23 February 2022

⁶² OMCT/JPP, ‘[Criminalising torture in Pakistan. The need for an effective...](#)’ (page 4), March 2021

⁶³ Voicepk.net, ‘[About us](#)’, no date

⁶⁴ Voicepk.net, ‘[Deadlier than ever: Police Violence in 2021](#)’, 16 October 2022

in various credible studies carried out on the subject. Hence the complete impunity for torture.’⁶⁵

- 5.4.4 The USSD HR Report 2022 noted that, according to the HRCP, 31 persons died in police custody due to torture from 1 January to 31 October 2022⁶⁶. The USSD also stated that ‘Media and civil society organizations reported cases of individuals dying in police custody allegedly due to torture. On September 11, protesters gathered at the Mithi police station in Sindh, alleging that during interrogations concerning a theft case, police tortured and killed a local youth named Manzoor Korai.’⁶⁷
- 5.4.5 As reported by Dawn, The Torture and Custodial Death (Prevention and Punishment) Bill was passed by the Senate in October 2022 and aims to criminalise and protect against ‘acts of torture, custodial death and custodial rape committed against persons held in custody by public officials, and to provide redress to the victims of such acts...’⁶⁸
- 5.4.6 In its second periodic report on the implementation of the International Covenant on Civil and Political Rights (ICCPR), the GoP referred to The Torture and Custodial Death (Prevention and Punishment) Bill and stated that ‘The Bill stipulates that any public servant involved in torture would face up to 10 years imprisonment and a fine of up to PKR 2 million. If a public servant, whose duty it is to prevent torture, either intentionally or negligently fails to prevent it, he/she will face up to five years imprisonment and a fine of up to PKR 1 million.’⁶⁹
- 5.4.7 The GoP also stated:
- ‘The federal and provincial government officials at the highest levels in Pakistan are making strenuous efforts to reaffirm the commitment towards absolute prohibition of torture in addition to publicly condemning such practices. In line with our zero tolerance policy against torture, the heads of district police units have been successful in significantly reducing incidents of torture against persons in police custody. Being a parliamentary democracy with an independent judiciary, vibrant civil society and free and open media, any cases of alleged police torture or misbehaviour are immediately highlighted and thoroughly investigated. If the accused officer is found guilty of misuse of power and/or misbehaviour after due departmental inquiry, they are awarded the appropriate departmental punishment which may range from major punishments i.e. dismissal, removal from service, compulsory retirement, forfeiture of approved services, reduction in pay rank, and recovery from pay/pension to minor punishments i.e. withholding of increment, withholding of promotion, reduction of lower stages or stages in pay scale, censure, extra drill quarter guard and fine) in accordance with the nature of offence.’⁷⁰
- 5.4.8 The same report noted that in 2021 ‘... 624 police officials were punished for offenses of torture or misbehavior in Punjab,’ and that ‘Governments of

⁶⁵ HRCP, ‘[HRCP calls for end to impunity for torture](#)’, 26 June 2022

⁶⁶ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1c), 20 March 2023

⁶⁷ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1c), 20 March 2023

⁶⁸ Dawn, ‘[Senate passes bill criminalising torture of detainees](#)’, 21 October 2022

⁶⁹ UNHRC, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 77), 7 December 2022

⁷⁰ UNHRC, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 78), 7 December 2022

Sindh and Baluchistan have taken necessary steps to curb the menace of torture... Similarly, in the instance of KPK Police department, a zero-tolerance policy is being adopted against the use of torture by the police officials.⁷¹

- 5.4.9 The GoP made similar comments in its second periodic report to the UN Committee against Torture (UNCAT), published 19 December 2022⁷².

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6. Crime rates

6.1 National

- 6.1.1 According to UN Office on Drugs and Crime (UNODC) data, as of 2018, Pakistan had a homicide rate of 3.9 murders per 100,000 population, slightly higher than the estimated average for the South Asia region (3.1 murders per 100,000), and lower than the global estimated average of 5.8 murders per 100,000 population⁷³.
- 6.1.2 The January 2022 DFAT report noted that violent crime was lower in rural areas⁷⁴. The same source stated that 'There are no centralised or national law enforcement databases or criminal records, which makes it hard to track or locate offenders.'⁷⁵

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6.2 Islamabad Capital Territory (ICT)

- 6.2.1 The OSAC stated in May 2022 that 'According to available statistics... the number of reported crimes' in Islamabad, including 'burglary, robbery, theft, and assault' have 'remained relatively steady over the past two years.' However, the same source noted that 'crime statistical data can be underreported or inaccurate.'⁷⁶
- 6.2.2 According to the January 2022 DFAT report, 'Islamabad has a lower crime rate than other major cities due to its large security presence.'⁷⁷
- 6.2.3 The following table, reproduced from the HRCP report 2021, gives the total number of crimes against persons in the ICT in 2021, according to data provided by the ICT Police, in response to HRCP's request for information⁷⁸:

⁷¹ UNHRC, '[Second periodic report submitted by Pakistan...](#)' (paragraphs 79, 80), 7 December 2022

⁷² UNCAT, '[Second periodic report submitted by Pakistan...](#)' (paragraph 109), 19 December 2022

⁷³ UNODC, '[Victims of intentional homicide, 1990 to 2018](#)' (Pakistan/Southern Asia/World), no date

⁷⁴ DFAT, '[Country Information Report Pakistan](#)' (paragraph 2.49), 25 January 2022

⁷⁵ DFAT, '[Country Information Report Pakistan](#)' (paragraph 5.10), 25 January 2022

⁷⁶ OSAC, '[Pakistan Country Security Report](#)', 31 May 2022

⁷⁷ DFAT, '[Country Information Report Pakistan](#)' (paragraph 2.49), 25 January 2022

⁷⁸ HRCP, '[State of Human Right in 2021](#)' (page 136), 2022

Nature of crime	Total cases in 2021
Murder	150
Rape	49
Gang rape	1
Rape of minors	12
Domestic violence	16
Acid crime	2
Blasphemy	8
Police encounters	1

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6.3 Punjab

6.3.1 According to the OSAC, referring to Punjab province:

'In 2020, the overall reports of criminal activity in Lahore increased by approximately 59%. There were approximately 133,000 crimes of all kinds reported to or cited by the police in 2020, compared to approximately 84,000 in 2019. Carjacking, assaults, armed robberies, home/shop invasions, and other violent crimes are prevalent in many major urban areas; petty crime, such as theft of personal property, is also widespread.'⁷⁹

6.3.2 The January 2022 DFAT report noted that, in recent years, crime rates had dropped in Lahore due to police crackdowns⁸⁰.

6.3.3 The following table, reproduced from the HRCP report 2021, gives the total number of crimes against persons in Punjab in 2021, according to data provided by the Punjab Police, in response to HRCP's request for information⁸¹:

Nature of crime	Total cases in 2021
Murder	Males: 3,287 Females: 1,092
Rape	4,329
Gang rape	269
Rape of minors	193
Honour killings	197
Domestic violence	753
Acid attacks	Males: 6 Females: 28
Blasphemy	426

⁷⁹ OSAC, '[Pakistan Country Security Report](#)', 31 May 2022

⁸⁰ DFAT, '[Country Information Report Pakistan](#)' (paragraph 2.49), 25 January 2022

⁸¹ HRCP, '[State of Human Right in 2021](#)' (page 31), 2022

Crimes against police officials	580
Police encounters	294

- 6.3.4 According to data from the Punjab Police crime statistics, from 1 January 2022 to 31 December 2022 there were 760,371 reported and registered crimes in Punjab province, of which 201,202 were 'Under Investigation'. The police data recorded 69,953 crimes 'Against Person', which included 4,628 murders, 7,826 attempted murders, 16,744 cases of 'hurt', 21,773 kidnapping/abductions, 62 kidnapping/ransom, 3,642 rapes, 309 gang rapes and 14,969 'other' cases⁸².

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6.4 Sindh

- 6.4.1 According to the OSAC 'The efforts of the Rangers and the Sindh police have led to improvement in the security situation in Karachi over the past few years. However, there remains considerable risk from crime in Karachi and throughout... Sindh...'⁸³
- 6.4.2 The January 2022 DFAT report noted that, in recent years, crime rates had dropped in Karachi due to police crackdowns⁸⁴.
- 6.4.3 The following table, reproduced from the Sindh Police crime statistics, gives a list of some of the crimes against persons recorded in Sindh in 2020 compared to 2021⁸⁵:

Nature of crime	2020	2021
Murder	1,350	1,516
Attempted murder	1,820	1,987
Rape	344	368
Gang rape	54	87
Honour crimes (karo kari)	126	133
Kidnapping/abduction	3,226	4,057
Kidnapping for ransom	82	77
Blasphemy	50	71

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6.5 Khyber Pakhtunkhwa (KP)

- 6.5.1 The OSAC reported that:

'The nature of extortion and robbery, especially those that are perpetrated by criminal gangs, can be particularly violent in Khyber Pakhtunkhwa (KP). In

⁸² Punjab Police, '[Crime statistics](#)', no date

⁸³ OSAC, '[Pakistan Country Security Report](#)', 31 May 2022

⁸⁴ DFAT, '[Country Information Report Pakistan](#)' (paragraph 2.49), 25 January 2022

⁸⁵ Sindh Police, '[Crime figures of Sindh Province 2021](#)' (page 5), no date

several instances throughout 2020, criminals used small explosives, grenades, and firebombs to target local businesses. Criminals also targeted victims with large sums of cash in the immediate vicinity of banks for armed robbery. Reports of highway robbery, toll extortion, and illegal taxes are recurrent in KP, but are most common in the border areas adjacent to Afghanistan. Crime statistics in KP are underreported and likely inaccurate.⁸⁶

6.5.2 According to the same OSAC report:

‘... the Pakistani federal government and the KP provincial government remain committed to improving the rule of law and security in KP. This commitment translated into the establishment of police stations and judicial authorities across KP Province in recent years. These developments improved the security services’ ability to project law and order across the province. Federal and provincial authorities oppose the local enforcement of tribal and religious law, especially in the former Federally Administered Tribal Areas (FATA), but showed little success in reforming practices outside of major population centers. For the past three years, reports of violent crime in KP have trended down. This suggests – at face value – security improvement initiatives in KP have yielded positive results.’⁸⁷

6.5.3 The following table, reproduced from the HRCP report 2021, gives the total number of crimes against persons in the KP in 2021, according to data provided by the KP Police, in response to HRCP’s request for information⁸⁸:

Nature of crime	Total cases in 2021
Murder	303
Rape	370
Gang rape	0
Rape of minors	270
Honour killings	119
Acid attacks	3
Blasphemy	33
Police encounters	109

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6.6 Balochistan

6.6.1 The following table, reproduced from the HRCP report 2021, gives the total number of crimes against persons in the Balochistan in 2021, according to data provided by the Balochistan Police, in response to HRCP’s request for information⁸⁹:

⁸⁶ OSAC, ‘[Pakistan Country Security Report](#)’, 31 May 2022

⁸⁷ OSAC, ‘[Pakistan Country Security Report](#)’, 31 May 2022

⁸⁸ HRCP, ‘[State of Human Right in 2021](#)’ (page 81), 2022

⁸⁹ HRCP, ‘[State of Human Right in 2021](#)’ (page 110), 2022

Nature of crime	Total cases in 2021
Murder	400
Rape	30
Gang rape	1
Rape of minors	40
Honour killings	42
Domestic violence	127
Acid crimes	2
Blasphemy	5
Police encounters	11

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Section updated: 29 March 2023

7. Rule of law and the judiciary

7.1 Organisation

7.1.1 The Commonwealth Governance for Development described the judicial system of Pakistan, noting that:

‘The Supreme Court is both the final court of appeal and the constitutional court. The Federal Shariat Court was established in 1980 to scrutinise the laws and ensure that they accord with Islamic values. There is a high court in Islamabad and in each province. Appeals arising from civil and criminal cases in a state are heard by the state high court.

‘District and sessions courts both have jurisdiction in civil and criminal cases. Sessions courts also are trial courts for the most serious offences. There are magistrates’ courts in cities and towns throughout the country, and all but the most serious cases (for example where the death penalty applies) come before these courts in the first instance.

‘There are a number of other courts and tribunals specialising, for example, in corruption cases, narcotics offences, financial crimes, consumer rights and industrial relations.’⁹⁰

7.1.2 The USSD HR Report 2022 noted that ‘The law allows the government to use special, streamlined antiterrorism courts (ATCs) to try persons charged with terrorist activities and sectarian violence.’⁹¹

7.1.3 In its report to the UNCAT, the GoP noted that there were specific courts set up to deal with cases of gender-based violence (GBV), which included 36 GBV courts in Punjab, 27 in Sindh, 29 in KPK, 2 in Islamabad and 1 in Balochistan⁹².

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⁹⁰ Commonwealth Governance, ‘[Judicial System of Pakistan](#)’, no date

⁹¹ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 20 March 2023

⁹² UNCAT, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 107 (b)), 19 December 2022

7.2 Independence and fair trial

- 7.2.1 The Bertelsmann Stiftung Transformation Index (BTI), which ‘... analyzes and evaluates whether and how developing countries and countries in transition are steering social change toward democracy and a market economy’⁹³, noted in its BTI 2022 for Pakistan, covering the period from 1 February 2019 to 31 January 2021, that ‘The constitution mandates a separation of powers between the judiciary, legislature and executive, but this division is often blurred in practice.’⁹⁴
- 7.2.2 The USSD HR Report 2022 noted that:
‘The law provides for an independent judiciary, but according to NGOs and legal experts, the judiciary often was subject to external influences, such as fear of reprisal from extremist elements in terrorism or blasphemy cases and public politicization of high-profile cases. Civil society organizations reported judges were reluctant to exonerate individuals accused of blasphemy, fearing vigilante violence. Media and the public generally considered the high courts and the Supreme Court more credible, but media discussed allegations of pressure from security agencies on judges of these courts.’⁹⁵
- 7.2.3 According to the Freedom House report, Freedom in the World 2022, covering 2021 events, ‘The judiciary is politicized and has a history of involvement in the power struggles between the military, the civilian government, and opposition politicians. Judges have often aligned rulings with the priorities of the military.’⁹⁶
- 7.2.4 The USSD HR Report 2022 stated that:
‘The civil, criminal, and family court systems are supposed to operate with the presumption of innocence, cross-examination, and appeal; however, the judiciary did not always enforce these rights. The constitution protects defendants from self-incrimination. There are no trials by jury. Although defendants have the right to be present and consult with an attorney, courts are required to appoint attorneys for indigents only in capital cases. Defendants generally bear the cost of legal representation in lower courts, but a lawyer may be provided at public expense in appellate courts. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants made frequent court appearances.’⁹⁷
- 7.2.5 The BTI 2022 noted that ‘At lower levels, the judiciary remains characterized by a lack of resources, leading to a massive backlog of an estimated two million cases and relatively high levels of corruption.’⁹⁸
See [Effectiveness](#) for more information on case backlogs.
- 7.2.6 The USSD HR Report 2022 stated that ‘Reports of corruption in the judicial system persisted, including reports that court staff requested payments to

⁹³ Bertelsmann Stiftung, ‘[BTI 2022: Methodology](#)’,

⁹⁴ Bertelsmann Stiftung, ‘[BTI 2022 Country Report Pakistan](#)’ (Rule of law, page 11), 23 February 2022

⁹⁵ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 20 March 2023

⁹⁶ Freedom House, ‘[Freedom in the World 2022: Pakistan](#)’ (F1), 24 February 2022

⁹⁷ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 20 March 2023

⁹⁸ Bertelsmann Stiftung, ‘[BTI 2022 Country Report Pakistan](#)’ (Rule of law, page 12), 23 February 2022

facilitate administrative procedures. Lower courts reportedly remained corrupt, inefficient, and subject to pressure from higher-ranking judges as well as prominent, wealthy, religious, and political figures.⁹⁹

- 7.2.7 A compilation of UN information to the Working Group on the Universal Periodic Review on the promotion and protection of human rights, published November 2022, noted that ‘The Human Rights Committee noted that the military courts had expired in March 2019, but expressed regret that 59 prisoners had been executed on the basis of sentences given by military courts.’¹⁰⁰

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7.3 Effectiveness

- 7.3.1 The World Justice Project’s (WJP) Rule of Law Index 2022 measures the rule of law based on the experiences and perceptions of the general public and in-country legal practitioners and experts worldwide¹⁰¹. Overall, Pakistan ranked 129 out of 140 countries and scored 0.39, where 1 signifies the strongest adherence to the rule of law and 0 signifies the least¹⁰². The WJP Rule of Law Index also measured the country’s criminal justice system, including perceptions of its effectiveness, impartiality and level of corruption, and ranked Pakistan 97 out of 140 countries with a score of 0.36, a slight increase on its score in 2021¹⁰³.

- 7.3.2 As noted in the USSD HR Report 2022:

‘Extensive case backlogs in the lower and superior courts undermined the right to effective remedy and to a fair and public hearing. Due to the prevalence of pretrial detention, these delays often led defendants in criminal cases to be incarcerated for long periods as they awaited trial. Antiquated procedural rules, unfilled judgeships, poor case management, and weak legal education caused delays in civil and criminal cases. According to the Law and Justice Commission of Pakistan, as of July 13, the country’s superior and lower judiciaries were dealing with a backlog of 2.1 million cases, with a reported 4.1 million additional cases filed in 2021.’¹⁰⁴

See also [Alternative dispute resolution](#).

- 7.3.3 The Human Rights Commission of Pakistan (HRCP) noted in its annual report for 2021 that ‘By year-end, there were over 2.14 million cases pending in the judiciary, as against over 2.15 million in 2020, representing a slight fall in the backlog of cases.’¹⁰⁵
- 7.3.4 Where available, the HRCP reported the number of new, pending and disposed of case across the provincial courts in 2021 (figures reproduced in a graph by CPIT):

⁹⁹ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 4), 20 March 2023

¹⁰⁰ UNHRC, ‘[Pakistan: Compilation of information prepared...](#)’ (paragraph 11), 15 November 2022

¹⁰¹ WJP, ‘[What is the Rule of Law?](#)’, no date

¹⁰² WJP, ‘[WJP Rule of Law Index | Pakistan](#)’ (Overall index score), 2022

¹⁰³ WJP, ‘[WJP Rule of Law Index | Pakistan](#)’ (Criminal justice), 2022

¹⁰⁴ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 20 March 2023

¹⁰⁵ HRCP, ‘[State of Human Right in 2021](#)’ (page 13), 2022

Court	Pending cases	New cases	Disposed	Balance
Lahore High Court	188,176	148,436	149,362	187,255
District Judiciary Punjab	1,372,879	2,826,774	2,904,745	1,313,669
Sindh High Court	81,684	34,065	31,750	84,104
District Judiciary Sindh	115,815	346,109	344,701	117,790
Peshawar High Court	44,496	21,884	18,432	-
District Judiciary in KP	257,206	463,806	439,689	-
Balochistan High Court	4,000	-	6,700	-
District Judiciary Balochistan	16,000	-	54,191	-

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7.3.5 Model Courts, established in 2017 to provide for the swift disposal of cases, decided 257,318 cases in the past 3 years, reported the Daily Times on 16 June 2022. The report noted that:

‘According to the spokesman of the Model Courts, the witnesses of 462,957 were recorded during the hearing of various cases which include murder, narcotics, illegal possession and kidnapping for ransom cases.

‘The model criminal courts disposed of 62,839 criminal cases, including 19,154 cases of murder and 43,685 narcotics, from 2019 to date. Similarly, the model civil courts disposed of 23,781 family disputes and 3,815 rent disputes, while model magistrates courts also decided 37,997 appeals and 19,697 review appeals in various cases during the period.’¹⁰⁷

7.3.6 According to a 2019 report by the Foundation for Fundamental Rights (FFR) and Reprieve ‘In the 310 judgments reviewed between 2010 and 2018, the Supreme Court overturned death sentences in 78% of cases – either acquitting the accused, commuting the sentence, or ordering a review.’ Issues such as unreliable witness testimony, insufficient evidence and

¹⁰⁶ HRCP, ‘[State of Human Right in 2021](#)’ (pages 29 to 30, 54, 79 to 80, 108), 2022

¹⁰⁷ Daily Times, ‘[Model Courts decide 257,318 cases in last three years](#)’, 16 June 2022

suspected planted or manipulated evidence relied on by lower courts resulted in the acquittal or commutations of death sentences¹⁰⁸.

See also [Death penalty](#).

- 7.3.7 In its report to the Working Group on the Universal Periodic Review, the GoP reported on several initiatives undertaken across the country ‘for awareness raising and capacity building of judges, lawyers and other judicial officers on human rights’, which included training by the Ministry of Human Rights, the UN Development Programme and UNODC¹⁰⁹.

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7.4 Double jeopardy

- 7.4.1 The principles of double jeopardy are dealt with under Article 13 of the Constitution¹¹⁰ and Section 403 of the Code of Criminal Procedure¹¹¹.
- 7.4.2 In correspondence with the Country Policy and Information Team, dated April 2019, an advisor on criminal justice at the British High Commission (BHC), Islamabad, indicated, whilst stressing that their research was not exhaustive, that ‘... the double jeopardy principles are upheld where a decision has been reached in a foreign jurisdiction (as long as the court reaching the decision is considered to be one of competent jurisdiction – we have not found an example of a court in Pakistan concluding that a foreign court was not of competent jurisdiction for these purposes).’¹¹²
- 7.4.3 When considering whether a UK court is deemed to be one of competent jurisdiction, the BHC advisor gave regard to a case in which the Supreme Court of Pakistan upheld the validity of a sentence passed in a UK Crown Court and reiterated the principle of comity [where one jurisdiction recognises the validity and effect of an order / act of another jurisdiction¹¹³]¹¹⁴.
- 7.4.4 Section 188 of the Code of Criminal Procedure provides for offences committed outside the jurisdiction of Pakistan and provides that the Federal Government must sanction such cases¹¹⁵. The BHC advisor referred to a UK extradition case, noting that ‘... the Islamabad High Court held that where the Federal Government had not granted permission under s.188 (and no such permission had been granted in that case) there could be no proceedings in Pakistan for an offence committed in the UK.’¹¹⁶
- 7.4.5 For more detail, see the [BHC correspondence](#).

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¹⁰⁸ FFR/Reprieve, ‘[The Pakistan Capital Punishment Study](#)’ (pages 1 to 2), March 2019

¹⁰⁹ UNHRC, ‘[National report submitted pursuant to Human...](#)’ (paragraph 23), 10 November 2022

¹¹⁰ Pakistan.org, ‘[The Constitution of the Islamic Republic of Pakistan](#)’ (Chapter 1), 1973

¹¹¹ Khalid Zafar & Associates, ‘[Code of Criminal Procedure](#)’, 1898

¹¹² BHC [correspondence](#), 12 April 2019

¹¹³ LexisNexis, ‘[Glossary](#)’, no date

¹¹⁴ BHC [correspondence](#), 12 April 2019

¹¹⁵ Khalid Zafar & Associates, ‘[Code of Criminal Procedure](#)’, 1898

¹¹⁶ BHC [correspondence](#), 12 April 2019

7.5 Death penalty

- 7.5.1 There are 33 crimes punishable by death, noted the HRCP, who also stated that most of these crimes ‘do not meet the threshold of “most serious” under international law...’¹¹⁷ The Justice Project Pakistan (JPP) provided a [List of offences punishable by death](#)¹¹⁸. In 2021 the Supreme Court ruled against the execution of prisoners with a mental illness¹¹⁹.
- 7.5.2 In October 2021, the HRCP noted that ‘... according to HRCP’s records, the state did not execute any prisoners in 2020 and that there was a significant fall in the number of cases in which the death penalty was awarded – from at least 578 persons in 2019 to 177 in 2020.’¹²⁰
- 7.5.3 The HRCP 2021 report noted a further reduction in death penalty sentences in 2021, stating that:
- ‘According to data collected from press reports, the death penalty was awarded to at least 125 persons in 2021 (including three women) – a fall from at least 177 persons in 2020. No executions were reported to have been carried out.
- ‘There were 1,143 prisoners on death row, according to the provincial prisons departments. Sindh accounted for the highest number of condemned prisoners at 490, including two women.’¹²¹
- 7.5.4 According to the JPP website, there were 3,831 prisoners on death row, as of 29 March 2023¹²².
- 7.5.5 A compilation of UN information to the Working Group on the Universal Periodic Review on the promotion and protection of human rights, published November 2022, noted that:
- ‘The mandate holders reiterated their call to Pakistan to reinstate the moratorium on executions, with a view to abolishing the death penalty, and review the current anti-terrorism legislation, in particular with regard to children, and the provisions providing for the death penalty, with a view to bringing it into compliance with international human rights law... The United Nations country team raised the issue of the execution of juveniles and persons with mental illness in Pakistan.’¹²³
- 7.5.6 See also [Effectiveness](#) for information on acquittals of death sentences.

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7.6 Alternative dispute resolution

- 7.6.1 The Asia Foundation, a non-profit international development organisation, reported in an article dated July 2021 on the growing popularity and acceptance of alternative dispute resolution (ADR) to help resolve family and

¹¹⁷ HRCP, ‘[Moratorium on death penalty should be reinstated](#)’, 10 October 2021

¹¹⁸ JPP, ‘[List of offences punishable by death](#)’, 2019

¹¹⁹ Supreme Court Pakistan, ‘[PLD 2021 SC 488](#)’, 10 February 2021

¹²⁰ HRCP, ‘[Moratorium on death penalty should be reinstated](#)’, 10 October 2021

¹²¹ HRCP, ‘[State of Human Right in 2021](#)’ (page 14), 2022

¹²² JPP, ‘[Death Penalty Database](#)’, no date

¹²³ UNHRC, ‘[Pakistan: Compilation of information prepared...](#)’ (paras 9 to 10), 15 November 2022

community disputes, including issues relating to inheritance, marriage, and child custody. The report noted that:

‘ADR is rapidly gaining acceptance in Pakistan. The Alternative Dispute Resolution Act of 2017, the Code of Civil Procedure (Sindh Amendment) of 2018, and the Punjab Alternative Dispute Resolution Act of 2019 have given ADR a firm legislative mandate. The practice is expanding across the country, helping disputing parties to bypass the severely backlogged courts and creating more opportunities for mediators, including a growing number of women, who have specialized training in ADR.’¹²⁴

- 7.6.2 The CPLC offered a mediation and arbitration service for general disputes, including marital, domestic, landlord/tenant issues and monetary disputes¹²⁵.
- 7.6.3 In 2014, the KPK Police announced the creation of its ADR mechanism in the form of a Dispute Resolution Council, which aimed to ‘... facilitate the common man in getting his petty issues resolved amicably through an alternate process of restorative justice involving members of the civil society.’¹²⁶ A review of the DRC dated May 2019, found that of the 7,797 cases received in 2018, 5,381 cases were resolved¹²⁷.

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7.7 Parallel justice

- 7.7.1 The GoP noted that, following a petition by the National Commission for the Status of Women (NCSW) in 2012, the ‘... Jirga / Panchayat [a gathering of elders which settles disputes and decides criminal cases¹²⁸] or parallel legal justice system was declared illegal, null and void by the Supreme Court in January 2019.’¹²⁹ As noted in the USSD HR Report 2022, ‘... the court restricted the use of these mechanisms to arbitration, mediation, negotiation, or reconciliation of consenting parties in a civil dispute.’¹³⁰
- 7.7.2 However, jirgas continued to hand down punishments, particularly in tribal areas and sometimes to the detriment to women’s rights^{131 132 133}. For further information on jirga rulings concerning women see the [Country Policy and Information Note on Pakistan: women fearing gender-based violence](#).
- 7.7.3 The BTI 2022 noted that ‘Parallel justice systems built around local tribal norms continue to operate throughout the country. While the decisions taken by these informal courts do not have official sanction, they are often viewed as a legitimate forum for dispute resolution and access to justice.’¹³⁴

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¹²⁴ Asia Foundation, ‘[In Pakistan: Women, Mediation, and the Law](#)’, 7 July 2021

¹²⁵ CPLC, ‘[I want to resolve a General Dispute](#)’, no date

¹²⁶ KPK Police, ‘[Dispute Resolution Council \(DRC\)](#)’ (page 4), 16 January 2014

¹²⁷ KPK Police, ‘[Review of DRCs](#)’, 24 May 2019

¹²⁸ HRCP, ‘[State of Human Right in 2021](#)’ (Glossary, page 8), 2022

¹²⁹ UNCAT, ‘[Second periodic report submitted by Pakistan...](#)’ (paragraph 109), 19 December 2022

¹³⁰ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 20 March 2023

¹³¹ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraphs 3.96, 3.97, 4.11), 25 January 2022

¹³² RSIL, ‘[Jirga System in Pakistan: A transgression of human rights](#)’, 11 April 2022

¹³³ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 12 April 2022

¹³⁴ Bertelsmann Stiftung, ‘[BTI 2022 Country Report...](#)’ (Rule of law, page 12), 23 February 2022

7.8 Witness protection

- 7.8.1 Citing a range of sources, the August 2021 article published by the RSIL stated that:

‘Although Pakistan has both provincial and federal witness protection acts, all have performed poorly due to lack of proper implementation. Punjab, Balochistan and Sindh have their separate witness protection mechanisms under provincial legislation. Similarly, The Witness Protection, Security and Benefit Act, 2017, as well as some provisions in the Anti Terrorism Act, 1997, regulate the witness protection programs. These laws make it mandatory for respective provincial and federal governments to provide suitable assistance to individuals testifying in cases of heinous offences. Assistance can include relocation, change of identity, and protection of the witness and those associated with them. However, proper implementation of these acts is still an unaccomplished aspiration and there have been several incidents that support this claim. For example, in 2015, the only witness to the Sabeen Mahmud murder case was killed. Similarly, two key witnesses in the famous Naqeebullah Mehsud murder case also retracted their statements in 2020.’¹³⁵

- 7.8.2 The Anti-Rape (Investigation and Trial) Act 2021 provides for witness protection¹³⁶. However, in February 2022, the Senate Law & Justice Committee expressed concern that no steps had been taken to implement this provision¹³⁷.

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7.9 Legal aid

- 7.9.1 In its report to the UNCAT the GoP described the legal aid programmes available:

‘... the Legal Aid and Justice Authority Act, 2020 has been enacted which provides legal, financial and other assistance for access to justice to the poor and vulnerable segments of society in criminal cases and for matters ancillary thereto. The Legal Aid Authority under the said Act has been established and fully functional... The Government of Pakistan has also established a statutory endowment fund called the Access to Justice Development Fund (AJDF). One of the objectives of the AJDF is legal empowerment by providing funding under the Legal Empowerment Fund Window, a share of which is utilized for free legal aid/assistance to deserving litigants. The funds are provided through District Legal Empowerment Committees (DLEC). Till date, an amount of PKR 60 Million has been released to DLECs established in 114 Districts across the country and legal assistance granted to 2832 deserving litigants across Pakistan... free legal aid and advisory services are being provided through the public private partnership mode (with LAS) in 11 Districts of Sindh. Four crisis centres are also giving out legal aid, with dedicated panels of pro bono lawyers. The Social Welfare Department, Balochistan provides free legal aid and financial

¹³⁵ RSIL, ‘[Criminal Justice Reform - Delayed FIRs & Witness Protection Programs](#)’, 23 August 2021

¹³⁶ MoHR, ‘[The Anti-Rape \(Investigation and Trial\) Act 2021](#)’ (Article 8), 2021

¹³⁷ Senate of Pakistan, ‘[Senate Law & Justice Committee Reviews Progress Of Ict & Provinces In Implementation Of Anti-Rape Laws](#)’, 23 February 2022

compensation to victims of discrimination, women with disabilities and religious minorities. The Punjab Bar Council's Legal Aid Society provides legal aid to marginalized men and women.¹³⁸

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Section updated: 29 March 2023

8. Oversight and complaint mechanisms

- 8.1.1 The Ministry of Human Rights (MoHR) noted that it was the focal point for ensuring the protection of rights¹³⁹, and that it provided a free national 'Helpline for Legal Advice on Human Rights Violations', which had received nearly 1 million calls up to June 2021¹⁴⁰.
- 8.1.2 In its 'National Policy Framework on Human Rights 2022 to 2027' the MoHR noted that other functioning National Human Rights Institutions (NHRIs) included the:
- National Commission for Human Rights (NCHR)
 - National Commission on the Status of Women (NCSW)
 - National Commission on the Rights of Children (NCRC)
 - National Commission for Minorities (NCM)
 - Council of Rights of Person with Disabilities (CRPD)
 - Directorate General of Special Education (DGSE)
 - Human Rights Directorates in the provinces¹⁴¹
- 8.1.3 The same source added:
- 'The Supreme Court of Pakistan has also established a vibrant human rights cell that addresses the complaints relating to human rights violations. Similarly, Parliamentary Standing Committees are functioning as over-sight bodies. This initiative and drive is encouraging for the rights holders and demonstrate the state's commitment to fulfill, protect and respect human rights in the country. Human rights are becoming more central to the Government's agenda and finding good share in public debate as well as political manifestos.'¹⁴²
- 8.1.4 The GoP told the UNCAT that the NCHR had 5 offices in provincial headquarters and in the ICT, which were 'fully operational, hearing and resolving complaints of victims of human rights violation including torture and contributing in improving human rights situation at provincial levels.'¹⁴³
- 8.1.5 The HRCP 2021 report noted that '... all national commissions have reported lack of resources and short staffing as a roadblock in realizing their respective mandates.'¹⁴⁴

¹³⁸ UNCAT, '[Second periodic report submitted by Pakistan...](#)' (paragraph 107 (a)), 19 December 2022

¹³⁹ MoHR, '[National Policy Framework on Human Rights](#)' (paragraph 5.4),

¹⁴⁰ MoHR, '[Helpline](#)', no date

¹⁴¹ MoHR, '[National Policy Framework on Human Rights](#)' (paragraph 5.4),

¹⁴² MoHR, '[National Policy Framework on Human Rights](#)' (paragraph 5.4),

¹⁴³ UNCAT, '[Second periodic report submitted by Pakistan...](#)' (paragraph 110), 19 December 2022

¹⁴⁴ HRCP, '[State of Human Right in 2021](#)' (page 146), 2022

- 8.1.6 The USSD HR Report 2022 referred to civil judicial procedures and remedies, noting that:
- ‘Individuals may petition the courts to seek redress for various human rights abuses, and courts often took such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights. Observers reported that civil courts seldom issued judgments in such cases, and most cases were settled out of court. Although there were no procedures for administrative redress, informal reparations were common. Individuals and organizations could not appeal adverse decisions to international human rights bodies, although some NGOs submitted human rights “shadow reports” to the United Nations and other international actors.’¹⁴⁵
- 8.1.7 The OSAC report noted that, ‘While military and intelligence services officially report to civilian authorities, the military and intelligence services operate independently and without effective civilian oversight. Members of the security forces have committed numerous abuses, often going unpunished.’¹⁴⁶
- 8.1.8 The CPLC, which had ‘6 District Offices in Karachi, 1 District office in Hyderabad, Head office in Sindh Governor House and soon to start a District office Sukkur.’¹⁴⁷, noted that it ‘... played a pivotal role in ensuring that no innocent person / suspect without registration of FIR is kept under illegal detention by any police official and in many cases have resulted in release of detainee from police stations wherever found that mal practices were being employed.’¹⁴⁸
- 8.1.9 All police forces provided an online service to register complaints against the police, including for:
- Non-Registration of FIRs
 - Faulty investigations
 - Illegal detentions
 - Arrests of innocent persons
 - Registration of false FIR
 - Slackness in Duty
 - Demand of illegal gratification^{149 150 151 152 153 154 155}

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¹⁴⁵ USSD, ‘[Country Report on Human Rights Practices](#)’ (section 1e), 20 March 2023

¹⁴⁶ OASC, ‘[Pakistan Country Security Report](#)’, 31 May 2022

¹⁴⁷ CPLC, ‘[Who we are](#)’, no date

¹⁴⁸ CPLC, ‘[Illegal Detention by Police](#)’, no date

¹⁴⁹ Punjab Police, ‘[IGP Police Complaint Center 1787](#)’, no date

¹⁵⁰ Balochistan Police, ‘[1715 IGP Complaint Center](#)’, no date

¹⁵¹ INCPak, ‘[IGP Sindh launched Complaint Management System](#)’, 31 December 2018

¹⁵² Sindh Police, ‘[Complaints Management System](#)’, no date

¹⁵³ KPK Police, ‘[Online Complaint Registration Form](#)’, no date

¹⁵⁴ KPK Police, ‘[Police Access Service \(PAS\)](#)’, no date

¹⁵⁵ ICT Police, ‘[Submit your complaint](#)’, no date

Annex A

British High Commission, Islamabad, correspondence dated 12 April 2019

Diplomatic Enclave
Ramna 5
P.O. Box 1122
Islamabad

Tel: +92 (0)51 201 2269
Fax: +92 (0)51 201 2071
www.gov.uk/world/pakistan

Dear Country Policy & Information Team,

You have included the following enquiries:

Are there any facts and figures related to the willingness of the Pakistan authorities to pursue overseas offences? You have made it clear that this is to be considered in the context of cases where there has already been a conviction in the UK. You ask whether the UK courts are considered to be courts of 'competent jurisdiction'. You have also asked about whether there is any information as to the range of sentence passed with respect to rape cases.

Double jeopardy

Principles of double jeopardy are dealt with under Article 13 of the Constitution and s.403 of the Criminal Procedure Code. I am not aware of any equivalent to China's Article 10 CL. Such research as we have been in a position to conduct would suggest that the double jeopardy principles are upheld where a decision has been reached in a foreign jurisdiction (as long as the court reaching the decision is considered to be one of competent jurisdiction – we have not found an example of a court in Pakistan concluding that a foreign court was not of competent jurisdiction for these purposes). In the case of *Rashid Hassan v The State* 2010 Pr.CR.L J. 1902 the Sindh High Court examined and upheld an acquittal rendered by the Royal Court of Jersey. Article 13 and s.403 were specifically addressed. Further, with respect to consideration of the question whether a UK court is considered to be one of competent jurisdiction, regard can be had to the case of *Javed Akhtar v The State* 2017 SCMR 1514. In that matter the Supreme Court upheld the validity of a sentence passed in a UK Crown Court and reiterated the principle of Comity.

Offences committed outside of Pakistan

s.188 Criminal Procedure Code provides for the jurisdiction of criminal courts and tribunals to extend to offences committed by a citizen of Pakistan abroad. Most of the case-law concerning this provision deals with offences committed in the tribal and administered territories which do not otherwise fall within the jurisdiction of the Pakistani courts. In *Abdul Qadir Shah v Muhammad Qasim* PLD 2014 Balochistan 28, the High Court held that in an instance where an offence of murder was committed outside of the territorial restrictions of Pakistan (in a border town in Afghanistan) by Pakistani citizens, the court did have the jurisdiction to proceed in trying the case so long as the procedural requirement of s.188 was fulfilled by the Federal Government authorising the courts to do so. This was allowed in this instance because evidence was available in the territory of Pakistan and not Afghanistan. In *Muhammad Zubair v Government of Pakistan* 2014 PLD 31 Islamabad (a UK extradition application) it was argued on behalf of the Requested Person that he had a right to be tried in Pakistan where he would have certain rights not provided for in UK law. The Islamabad High Court held that where the Federal Government had not granted permission under s.188 (and no such permission had been granted in that case) there could be no proceedings in Pakistan for an offence committed in the UK.

Practical considerations & opinion

From the above it could be taken that the 'appetite' to reconvict for offences committed outside of Pakistan and subject to proceedings elsewhere does not appear to be high and would in any event be severely constrained by the provisions referred to. As I have previously indicated, I do not have access to any facts or figures and would not claim that the above in any way amounted to anything approaching exhaustive research. Over and above the legal restraints which would need to be overcome, there are clearly also practical considerations which would be relevant to the viability of any renewed proceedings. This is a system in which rape convictions (for example) are difficult to achieve. There is significant emphasis on a contemporaneously given ocular account (hence in part my query about where the victim may reside) and there is also an expectation of forensic evidence. Where that evidence has been acquired in the UK, it seems improbable in the extreme that it would be supplied to the Pakistan for proceedings here – both because the individual had already been convicted and because of death penalty concerns.

Sentence

There is no information available as to the actual sentences passed in these types of cases. However, it [is] worthy of note that strict conditions are required to be fulfilled before a court could take the view that a death sentence could be considered. Section 375 of the Pakistan Penal Code defines the constituent elements of rape and Section 376 provides for sentencing possibilities, which includes imprisonment of not less than 10 years up and up to 25 years and the death penalty. Under Section 376, the death penalty is applicable in aggravated cases falling under any of the following descriptions:

1. When rape is committed by two or more persons in furtherance of common intention of all.

2. When the rape is committed of a minor or a person with mental or physical disability.
3. When the rape is committed by a public servant including a police officer, medical officer or jailor, taking advantage of his official position.
4. Where the rape is committed resulting in grievous bodily harm that involves loss of any part of the victim's body or impairment or disfigurement of such part as defined under sections 333, 335 and 337 of the Pakistan Penal Code.

It may also be worthy of note that, although we have no data to support this, it is our observation that courts are extremely reluctant to consider a death penalty in the absence of a judicial confession.

Regards

CPS CJA Pakistan

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Research methodology

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

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

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

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

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

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

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

- Legal framework – constitution, penal code, criminal code of procedure
- Security apparatus (police and paramilitary), including: size, structure, crime statistics, conduct, corruption,
- Human rights violations
- Oversight bodies, remit, power and effectiveness
 - Avenues of redress
- Judiciary, including size, structure, corruption,
 - Organisation
 - Fair trial
 - Independence
 - Effectiveness
 - Juvenile justice
 - Alternative dispute resolution
 - Informal justice systems
 - Double jeopardy
 - Witness protection

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Version control and feedback

Clearance

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Official – sensitive: End of section

Changes from last version of this note

Inclusion of [AH \(Sufficiency of Protection, Sunni Extremists\) Pakistan CG \[2002\] UKIAT 05862](#) at paragraph 2.1.2.

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Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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Independent Advisory Group on Country Information

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

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

Independent Advisory Group on Country Information

Independent Chief Inspector of Borders and Immigration

1st Floor

Clive House

70 Petty France

London

SW1H 9EX

Email: chiefinspector@icibi.gov.uk

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

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