



Home Office

## **Country Information and Guidance**

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

# Preface

This document provides supporting guidance to Home Office decision makers on handling claims made by nationals/residents of – but is predominantly country of origin information (COI) about – Pakistan. It must be read in conjunction with the subject-specific country information and guidance reports. Public versions of these documents are available at <https://www.gov.uk/government/publications/pakistan-country-information-and-guidance>.

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

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office's research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: [cois@homeoffice.gsi.gov.uk](mailto:cois@homeoffice.gsi.gov.uk).

## 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. 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/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

Date Updated: 06 October 2014

## 1.1 Summary of Issues

- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Pakistan?

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## 1.2 Consideration of Issues

### Are those at risk able to seek effective protection?

- 1.2.1 The reported case of [AW \(26 January 2011\)](#) found that there is 'systemic sufficiency of state protection' in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.
- 1.2.2 The country information suggests that whilst there is a fully functioning criminal justice system, the effectiveness 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. There have also been reports that the police have often failed to protect members of religious minorities and women.
- 1.2.3 Decision makers must consider each case on its individual facts. The assessment of whether effective protection is available should be considered in relation to the particular circumstances and profile of the person.

See also:

- the country information on [Actors of protection](#) and [Rule of law and the judiciary](#)
- the Pakistan Country Information and Guidance on [Actors of protection](#), [Religious freedom](#); and [Women](#); and
- the Asylum Instruction on [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

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### Are those at risk able to internally relocate within Pakistan?

- 1.2.4 Relocation to another area of Pakistan may be viable depending on the nature of the threat from non state agents and individual circumstances of the person.
- 1.2.5 Pakistan's total land area is 770,875 sq km with an estimated population of 196,174,380. The law provides for freedom of movement within the country, but due to violence in some areas, it is restricted in practice.
- 1.2.6 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Case workers need to consider the ability of the persecutor to

pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

See also:

- the country information on [Geography and demography](#) and [Freedom of movement and internal relocation](#)
- the [subject-specific Pakistan Country Information and Guidance](#); and
- the Asylum Instruction(s) on [Internal Relocation](#) and, in the case of a female applicant, [Gender Issues in the Asylum Claim](#)

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## 1.3 Policy Summary

**1.3.1 In general, a person is likely to be able to access effective protection from the state. A person may, nevertheless, be unable to receive effective protection by reason of his or her individual circumstances.**

**1.3.2 Internal relocation to another area of Pakistan is generally viable but will depend on the nature and origin of the threat as well as the personal circumstances of the person.**

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# Section 2: Information

## 2.1 History

- 2.1.1 For an overview of Pakistan's recent history see the Freedom House report, [Freedom in the World: Pakistan](#) and the BBC's [Pakistan Profile](#), which includes a timeline of events.

## 2.2 Economy

- 2.2.1 The Asian Development Bank reported that Pakistan's Gross Domestic Product (GDP) slowed to 3.6 per cent at the end of the 2013 financial year (FY2013 ended 30 June 2013), and was projected at 3.4 per cent for FY2014.<sup>1</sup>
- 2.2.2 Regarding wages, the Human Rights Commission of Pakistan (HRCP) noted in its 2013 annual report, covering 2013 events, that 'In the year 2013, the minimum monthly wage was raised by Rs [Pakistani Rupees] 1,000, taking it to Rs 10,000 (\$100). Workers continued to complain that the minimum wage enhancement was not in accordance with inflation and that many employers had not yet given workers the minimum wage announced by the government in 2012, which was Rs 9,000 a month.'<sup>2</sup> The HRCP also reported 'According to Pakistan Bureau of Statistics, the volume of unemployed persons increased from 3.40 million in 2010-11 to 3.73 million in the financial year 2013. According to the annual Pakistan Labour Survey, the unemployment rate reached 6.2%.'<sup>3</sup>

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## 2.3 Geography and demography

- 2.3.1 Pakistan (official name – Islamic Republic of Pakistan) is divided into four provinces – Balochistan, Khyber-Pakhtunkhwa (KP) Punjab, and Sindh; and two territories – the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory.<sup>4</sup> The FATA is composed of seven tribal agencies: Bajaur, Khyber, Kurram, Orakzai, Mohmand, North Waziristan, and South Waziristan.<sup>5</sup> The CIA World Factbook added that '... the Pakistani-administered portion of the disputed Jammu and Kashmir region consists of two administrative entities: Azad Kashmir and Gilgit-Baltistan.'<sup>6</sup>
- 2.3.2 Pakistan's population was estimated to be 196,174,380 (male: 100,749,556; female: 95,424,824) as of July 2014. Pakistan's major urban areas (estimated population in brackets, as of July 2011) are the capital, Islamabad (919,000), Rawalpindi (2.164 million), Karachi (13.876m), Lahore (7.566m), Faisalabad (3.038m) and Multan (1.775m).<sup>7</sup>
- 2.3.3 The main ethnic groups of Pakistan comprised of 'Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Sariaki 8.38%, Muhajirs [Mohajirs] 7.57%, Balochi 3.57%, other

<sup>1</sup> Asian Development Bank, Pakistan, Economy, 2014, <http://www.adb.org/countries/pakistan/economy>, date accessed 11 September 2014

<sup>2</sup> Human Rights Commission of Pakistan, State of Human Rights in 2013, page 201, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>, date accessed 11 September 2014

<sup>3</sup> Human Rights Commission of Pakistan, State of Human Rights in 2013, page 201, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>, date accessed 11 September 2014

<sup>4</sup> CIA, The World Factbook, Pakistan, updated 20 June 2014, Government, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 14 August 2014

<sup>5</sup> Federally Administered Tribal Areas, Agencies, undated, <http://fata.gov.pk/Global.php?ild=144&fld=2&pld=129&mlid=16>, date accessed 14 August 2014

<sup>6</sup> CIA, The World Factbook, Pakistan, updated 20 June 2014, Government, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 14 August 2014

<sup>7</sup> CIA, The World Factbook, Pakistan, updated 20 June 2014, People and society, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 14 August 2014

6.28%.’<sup>8</sup> According to the 1998 census, 95 per cent of Pakistan’s population was Muslim, the majority being Sunni with Shi’a minority of approximately 25 per cent. Figures estimating the number of Ahmadis in Pakistan varied greatly, ranging from 500,000<sup>9</sup> to three to four million.<sup>10</sup> Hindus, Christians, Parsis/Zoroastrians, Bahais, Sikhs, Buddhists and others comprise a further five per cent.<sup>11</sup>

#### 2.3.4 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.’<sup>12</sup>

2.3.5 The CIA World Factbook, updated 16 April 2013, accessed 1 May 2013, stated that the main languages of Pakistan were ‘Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, 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%.’<sup>13</sup> Ethnologue’s Languages of the World, Sixteenth edition, published in 2009, stated: ‘The number of individual languages listed for Pakistan is 72. All are living languages.’<sup>14</sup>

2.3.6 The Independent Advisory Group on Country Information (IAGCI) Evaluation of the Country of Origin Information (COI) Report on Pakistan, by Professor Shaun Gregory, of the Pakistan Security Research Unit, University of Bradford, dated 26 April 2011, stated that although eight per cent of Pakistanis have Urdu as their first language, an estimated 80 to 90 per cent use Urdu as their second functional language making it a virtual lingua franca.<sup>15</sup>

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<sup>8</sup> CIA, The World Factbook, Pakistan, updated 20 June 2014, People and society,, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 14 August 2014

<sup>9</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 12, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

<sup>10</sup> US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2013, April 2013, page 119, <http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013%281%29.pdf>, date accessed 27 January 2014

<sup>11</sup> US Department of State, International Religious Freedom Report for 2013, Pakistan, 28 July 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222339>, date accessed 11 September 2014

<sup>12</sup> Constitution of Pakistan, (Part XII: Chapter 4, Article 251), <http://www.pakistani.org/pakistan/constitution/>, date accessed 19 August 2014

<sup>13</sup> CIA, The World Factbook, Pakistan, updated 20 June 2014, People and society, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 14 August 2014

<sup>14</sup> Ethnologue: Languages of the World, Seventeenth Edition, 2014 – Pakistan, <http://www.ethnologue.com/country/PK>, date accessed 19 August 2014

<sup>15</sup> Independent Chief Inspector of Borders and Immigration, Independent Advisory Group on Country Information <http://icinspector.independent.gov.uk/country-information-reviews/>, Evaluation of the January 2011 Pakistan COI Report by Professor Shaun Gregory, 26 April 2011, published May 2011, <http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Evaluation-of-the-Country-of-Origin-Information-Report-on-Pakistan.pdf>, date accessed 19 August 2014



## 2.4 Freedom of movement and internal relocation

2.4.1 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.<sup>16</sup> The security situation and outbreaks of violence in various cities and provinces restricted the safe passage of citizens across the country.<sup>17</sup>

2.4.2 The Australian Government Department of Foreign Affairs and Trade (DFAT) provided an assessment, published November 2013, with regard to internal relocation in Pakistan, stating:

‘Because of Pakistan’s size and diversity, internal relocation offers a degree of anonymity and the opportunity for victims to seek refuge from discrimination or violence. In most cases, there are options available for members of most ethnic and religious minorities to be able to relocate to areas of relative safety elsewhere in Pakistan. In particular, many large urban centres are home to mixed ethnic and religious communities and offer greater opportunities for employment, access to services and a greater degree of state protection than other areas. In practice, internal relocation is most successful when these conditions exist, but is limited mostly by a lack of financial resources and in some cases due to debts owed to landowners or money lenders.’<sup>18</sup>

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## Federally Administered Tribal Areas, Khyber Pakhtunkhwa and Balochistan

2.4.3 The Australian DFAT added:

‘There are a number of areas within Pakistan which remain relatively free from the threat of militant, sectarian or politically-motivated violence, particularly outside of the FATA, Khyber Pakhtunkhwa and Balochistan. Urban centres tend to be more secure than rural areas, especially in so-called “cantonments” which are controlled by the Pakistani military. In particular, DFAT considers that the current security situation in Islamabad and Lahore is relatively free from politically-motivated, terrorist and sectarian violence.’<sup>19</sup>

2.4.4 The UN High Commissioner for Refugees (UNHCR) indicated in 2012 that internal relocation would not generally be available in areas of the Federally Administered Tribal Areas (FATA), Khyber Pakhtunkhwa or Balochistan province due to the ongoing security situation, militant attacks and counter-insurgency operations by the military.<sup>20</sup>

2.4.5 The Australian DFAT indicated, with regard to Hazaras, that:

‘Within Quetta, Hazaras live predominantly within their own two communities – Hazara Town (also known as Brewery Road) and along Alamdar Road towards Mehrabad... on the outskirts of Quetta... where they enjoy a greater degree of security... Within these

<sup>16</sup> USSD, Country Report on Human Rights Practices 2013, 27 February 2014, section 2d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>17</sup> Human Rights Commission of Pakistan, State of Human Rights in 2012, March 2013, pages 92-98, <http://hrcp-web.org/hrpweb/wp-content/pdf/AR2012.pdf>, date accessed 29 January 2014

<sup>18</sup> Australian Government, DFAT reports, Country Information Report: Pakistan, 29 November 2013, Page 22, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

<sup>19</sup> Australian Government, DFAT reports, Country Information Report: Pakistan, 29 November 2013, Page 5, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

<sup>20</sup> UN High Commissioner for Refugees, [www.unhcr.org](http://www.unhcr.org), Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan’, 14 May 2012, page 42, <http://www.unhcr.org/refworld/pdfid/4fb0ec662.pdf>, date accessed 21 February 2014



areas, Hazaras have access to medical and education facilities, generally provided from within their own communities... Hazaras in Quetta are integrated in the local community and work alongside members of other ethnic groups. Many are employed in the civil service of the Government of Balochistan and serve in Balochistan's police force. Hazaras are also commonly employed at private businesses. Throughout Pakistan, Hazaras are able to worship freely at Shia mosques... during daylight hours, Hazaras are generally free to move about within Quetta.'<sup>21</sup>

See Pakistan Country Information and Guidance: [Religious Freedom – Shia Muslims](#)

- 2.4.6 By the end of July 2013, over one million internally displaced individuals (170,000 families) were estimated to be affected by the ongoing security operations in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (KP). Three camps for IDPs, accommodated more than 80,000 individuals in 2013.<sup>22</sup> Most displaced persons lived in rented accommodation, or with relatives.<sup>23</sup> Security operations and intertribal and sectarian violence hindered access to people in need of assistance in north-west Pakistan, Balochistan, Karachi and parts of inner Sindh and southern Punjab.<sup>24</sup>

See Pakistan Country Information and Guidance: [Fear of the Taliban and other militant groups](#)

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## Ahmadis in Rabwah

- 2.4.7 On the subject of internal relocation within Rabwah, the Parliamentary Human Rights Group (PHRG) spoke with Amnesty International President, Faiz ur Rehman, who noted:

'...that it is only Rabwah where the Ahmadi are in the majority and as a result an Ahmadi may feel a little safe in Rabwah compared to a town or village where they are in a small minority. Those from outside Rabwah may therefore flee there if they are in fear in their home area. However, Mr Rehman pointed out that Khatme Nabuwat have an office in Rabwah. Thus, whilst those who flee to Rabwah might gain safety for a period of time, fear of Khatme Nabuwat is ever present... Broadly agreeing with Mr Rehman, the HRCP [Human Rights Commission of Pakistan] explained that whilst Rabwah is safer than most other places in Pakistan for Ahmadi's, there are instances of violence here as well. When asked about whether Rabwah can offer a refuge for those targeted elsewhere in Pakistan, the HRCP explained that if an Ahmadi was pursued across Pakistan, they would be caught by their persecutor in Rabwah. Clarifying this point, the HRCP stated that safety in Rabwah depends on the nature of the persecution and/or the influence of the persecutor... The HRCP explained that the best way for an Ahmadi to protect her or himself is to hide their religion: living in Rabwah has the opposite effect as it is the focus of Khatme Nabuwat and living in the town marks a person as an Ahmadi. The HRCP stated that a newcomer fleeing to Rabwah would have to be very rich and not pursued by their persecutor to survive. If they have a normal income (and are not pursued), then they would face many difficulties, first amongst which is that

<sup>21</sup> Australian Government, DFAT reports, Country Information Report: Pakistan, 29 November 2013, Pages 9-10, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

<sup>22</sup> UN High Commissioner for Refugees (UNHCR) <http://www.unhcr.org/>, Where we work: Pakistan, 2014 UNHCR country operations profile – Pakistan, undated, <http://www.unhcr.org/pages/49e487016.html>, date accessed 22 January 2014

<sup>23</sup> The Guardian <http://www.theguardian.com/>, Pakistanis fleeing conflict resort to desperate measures to survive, 13 August 2013, <http://www.theguardian.com/global-development/2013/aug/13/pakistan-conflict-displaced>, date accessed 22 January 2014

<sup>24</sup> UN Security Council, Report of the Secretary-General on the protection of civilians in armed conflict, 22 November 2013, paragraph 17, via [http://www.ecoi.net/file\\_upload/1226\\_1386167277\\_n1355660protectcivil.pdf](http://www.ecoi.net/file_upload/1226_1386167277_n1355660protectcivil.pdf), date accessed 14 March 2014

there are no jobs in Rabwah. It is very unusual for someone to commute for work even to Chiniot or Faisalabad. Even if an Ahmadi were to do this it would create new problems: they would be a 'sitting duck' for anti-Ahmadi activists whilst they travelled. Moreover, an address in Rabwah is practically a bar to getting a job as a potential employer would suspect that a person is Ahmadi if they have a Rabwah address. They would only be able to get work from a fellow Ahmadi.' <sup>25</sup>

- 2.4.8 The UNHCR stated that there was a scarcity of housing and employment opportunities in Rabwah, as well as the city administration being predominantly non-Ahmadi. <sup>26</sup>

See Pakistan Country Information and Guidance: [Religious freedom](#) – Ahmadis

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## Police links across Pakistan

### First Information Reports (FIRs)

- 2.4.9 The Immigration and Refugee Board of Canada (IRB) reported that:

'Sources report that police stations maintain a record of the FIRs registered with them..., that FIR record management is at the police station level, and also includes entry of the FIR into a register book kept at the station... Sources report that there is no national tracking system or database for FIRs... There is no systematic sharing of FIRs across different jurisdictions..., because FIRs can only be accessed manually... In correspondence with the Research Directorate, an official at the Canadian High Commission in Pakistan indicated that FIRs are generally not shared between districts and provincial police, and that only in high profile or sensitive cases, where police want to make an arrest in the jurisdiction of another force, would they share such information and obtain cooperation of the other province's police... The [Karachi-based] lawyer said similarly that FIRs are not shared "as a routine" but can be shared if requested by police or court through written request...

'Sources say that FIRs are valid throughout Pakistan..., meaning police can arrest someone in another district but would need permission from that district court to do so, and would seek assistance from local police...' <sup>27</sup>

See Actors of protection: [Effectiveness](#), [Corruption](#), and [Forged and fraudulently obtained documents](#)

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## 2.5 Constitution

- 2.5.1 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 are guaranteed and include equality of status (women have equal rights with men), freedom of thought, speech, worship and the press and freedom of assembly and association... <sup>28</sup>

<sup>25</sup> Parliamentary Human Rights Group (PHRG), 'Rabwah: A Place for Martyrs?', January 2007, page 20, section 4.1, via <http://www.thepersecution.org/archive/phrg/index.html>, date accessed 21 February 2014

<sup>26</sup> UN High Commissioner for Refugees, [www.unhcr.org](http://www.unhcr.org), Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan', 14 May 2012, page 43, <http://www.unhcr.org/refworld/pdfid/4fb0ec662.pdf>, date accessed 21 February 2014

<sup>27</sup> Immigration and Refugee Board of Canada, Pakistan: First Information Reports (FIRs) (2010-December 2013), 10 January 2014, PAK104714.E, via <http://www.refworld.org/docid/52eba0d84.html>, date accessed 21 February 2014

<sup>28</sup> Constitution of Pakistan, <http://www.pakistani.org/pakistan/constitution/>, date accessed 19 August 2014

## 2.6 Political system

### 2.6.1 As cited by Jane's Security Sentinel:

'The president is head of state and, as per the 18th amendment of the constitution that was passed in April 2010, has a largely ceremonial function. With the amendment, the president no longer has the authority to dissolve parliament or dismiss the prime minister, but still appoints provincial governors, the chairman of the election commission, and the attorney general. The president is elected for a five-year term by a college composed of members of the national and provincial assemblies and the Senate. The constitution requires that the president be a Muslim.'<sup>29</sup>

### 2.6.2 The Foreign and Commonwealth Office reported on Pakistan's elections in 2013, stating that:

'2013 was a historic year in Pakistan's democratic development. Federal and provincial elections held in May resulted in the first ever democratic transfer of power from one civilian government completing its full term in office to a new civilian government. Despite an often violent election campaign, with over 130 people killed, the elections were among the most credible in Pakistan's history, with an improved electoral register and the highest ever number of women and first-time voters.'<sup>30</sup>

### 2.6.3 Jane's reported:

'The Pakistan Muslim League-Nawaz (PML-N) emerged as the largest party in the National Assembly (parliament), winning 127 seats in the May 2013 election. Although this was not enough for an absolute majority in parliament, the PML-N was able to make up the shortfall by negotiating with independently elected MPs to join the party... The PML-N is further facilitated by the fact that it forms the government in two of the country's four provinces, Punjab and Balochistan. Imran Khan's Pakistan Tehreek-e-Insaf (PTI) party emerged as the third largest party in parliament, behind the previous ruling party, Pakistan Peoples Party (PPP). PTI came second in terms of popular vote and also forms the government in Khyber Pakhtunkhwa.'<sup>31</sup>

### 2.6.4 However, Imran Khan and law makers from his PTI party offered their resignations from the National Assembly, on 22 August 2014, in a bid to oust Prime Minister Nawaz Sharif from power, claiming election fraud at the 2013 general elections.<sup>32</sup>

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## Federal legislature

### 2.6.5 Jane's Security Sentinel noted that:

'Parliament consists of two houses: the Senate and the National Assembly. The National Assembly has a five-year term and a total of 342 seats, of which 272 are elected through universal adult suffrage. Seats are allocated as follows: 148 to the Punjab, 61 to Sindh, 35 to Khyber Pakhtunkhwa (KPK, renamed in 2010 from North-West Frontier Province), and 14 to Balochistan. In addition, the Federally Administered Tribal Areas (FATA) of the northwest have 12 seats and the Federal Capital District of

<sup>29</sup> Jane's Security Sentinel (subscription only), Pakistan, Internal Affairs, updated 17 July 2014, date accessed 11 September 2014

<sup>30</sup> Foreign and Commonwealth Office, Corporate report, Pakistan – Countries of Concern, 10 April 2014, Elections, <https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern>, date accessed 11 September 2014

<sup>31</sup> Jane's Security Sentinel (subscription only), Pakistan, Internal Affairs, updated 17 July 2014, date accessed 11 September 2014

<sup>32</sup> Radio Free Europe/Radio Liberty, Imran Khan's Party Resigns From Parliament In Protest, 22 August 2014, <http://www.rferl.org/content/pakistan-imran-khan-us/26544566.html>, date accessed 16 September 2014

Islamabad has two, with 10 additional seats reserved for religious minorities and 60 seats for women. The Senate currently consists of 100 members, elected by the provincial legislatures; senators are elected for a six-year term. One-third of the members stand for election every two years. Ministerial posts can only be awarded to members of the legislature. Half of the members stand for election every three years. Ministerial posts can only be awarded to members of the legislature.’<sup>33</sup>

- 2.6.6 The terms of the Constitution state ‘The President.-(1) There shall be a President of Pakistan who shall be the Head of State and shall represent the unity of the Republic. (2) A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.’<sup>34</sup> The US Department of State’s International Religious Freedom Report for 2013 (USSD IRF Report 2013), covering 2013 events, noted ‘All senior officials, including members of Parliament, must swear an oath to protect the country’s Islamic identity.’<sup>35</sup>

## Provincial governments

- 2.6.7 As reported by Jane’s Security Sentinel:

‘In accordance with the constitution, each of the provinces of Pakistan is directly governed by provincial assemblies... The provincial assemblies consist of both general seats and seats reserved for non-Muslims as well as for women. In total, Balochistan’s Provincial Assembly has a total of 65 seats (51 general, 11 for women, three for non-Muslims), Khyber-Pakhtunkhwa 124 (99 general, 22 for women, and three for non-Muslims), Punjab 371 (297 general, 66 for women, eight for non-Muslims), and Sindh 168 (130 general, 29 for women, and nine for non-Muslims). Elections for provincial assemblies are held directly and every five years unless dissolved earlier. In line with the 18th amendment of the constitution, chief ministers rather than governors exercise executive authority. The provincial assemblies elect the upper chamber (the Senate). Each of the four provinces has 19 senators, eight of which are appointed from the FATA [Federally Administered Tribal Areas] and three from the Federal Capital area.’<sup>36</sup>

- 2.6.8 The US Department of State Country Report on Human Rights 2013 (USSD HR Report 2013 – covering 2013 events) stated:

‘Residents of the FATA are represented in the national parliament but do not have a voice in federal decision making over the tribal areas, an authority that belongs to the president. Tribal residents do not have the right to change their local government, because unelected civilian bureaucrats nominally ran the tribal agencies. The elected councils in the FATA, set up to provide local representation within the tribal areas, did not have an active role in governing the tribal areas. In 2011 President Zardari signed the Extension of the Political Parties Order 2002 to the Tribal Areas. Through this decree, the government allows political parties to operate freely in the FATA. Political observers credited this order with laying the foundation for a more mature political system in the tribal agencies. In the May elections, voter turnout was low in some tribal

<sup>33</sup> Jane’s Security Sentinel (subscription only), Pakistan, Internal Affairs, updated 17 July 2014, date accessed 11 September 2014

<sup>34</sup> Constitution of Pakistan, <http://www.pakistani.org/pakistan/constitution/>, date accessed 19 August 2014

<sup>35</sup> US Department of State, International Religious Freedom Report for 2013, Pakistan, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222339>, date accessed 11 September 2014

<sup>36</sup> Jane’s Security Sentinel (subscription only), Pakistan, Internal Affairs, updated 17 July 2014, date accessed 11 September 2014



agencies where military operations were a common occurrence. Some IDPs had difficulty casting their vote because of security concerns.’<sup>37</sup>

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## Pakistan Administered Kashmir (Azad Kashmir)

2.6.9 The [United Nations Military Observer Group in India and Pakistan \(UNMOGIP\)](#) provided background information on the recent history of the Kashmir region, including the Line of Control (LoC).<sup>38</sup>

2.6.10 The USSD HR Report 2013 reported:

“Azad” or free Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). The federal government exercised considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercised significant influence over daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers. The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir’s accession to Pakistan were barred from the political process, government employment, and educational institutions. They also were subjected to surveillance, harassment, and sometimes imprisonment by security services.’<sup>39</sup>

2.6.11 Freedom House reported in its ‘Freedom in the World 2014 – Pakistani Kashmir’, that ‘In the 2011 legislative elections, the Azad Kashmir Peoples’ Party (AKPP) – affiliated with Pakistan’s then ruling Pakistan People’s Party (PPP) – won 20 of the 41 seats, followed by the Pakistan Muslim League-Nawaz (PML-N) with nine seats and the Muslim Conference (MC) party with five. AKPP leader Chaudhry Abdul Majid became prime minister, and Sardar Muhammad Yaqoob Khan was installed as president.’<sup>40</sup>

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## Gilgit Baltistan

2.6.12 Jane’s Security Sentinel reported:

‘Gilgit-Baltistan is a separate region with no official constitution, no recognition within the Pakistani 1973 constitution and limited representative government. The Karachi Agreement of 1949 drawn up by the Pakistani government, the AJK government and the Muslim Conference awarded the federal government complete control of Gilgit-Baltistan... Gilgit-Baltistan is governed by the Gilgit-Baltistan Legislative Council, which is elected through direct adult franchise, but has limited powers and can only legislate

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<sup>37</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 3, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 11 September 2014

<sup>38</sup> United Nations Military Observer Group in India and Pakistan, UNMOGIP Background, undated, <http://www.un.org/en/peacekeeping/missions/unmogip/background.shtml>, date accessed 11 September 2014

<sup>39</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 3, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 11 September 2014

<sup>40</sup> Freedom House, Freedom in the World 2014 – Pakistani Kashmir, 8 September 2014, available at: <http://www.refworld.org/docid/5417f3876.html>, date accessed 22 September 2014

on 49 subjects, with its decisions being subject to review by the federal ministry of Kashmir Affairs and Gilgit-Baltistan.’<sup>41</sup>

#### 2.6.13 Jane’s added:

‘On 29 August 2009, Pakistan’s cabinet approved a package of reforms that granted Gilgit-Baltistan more political and administrative autonomy. More specifically, the Gilgit-Baltistan Empowerment and Self-Governance Order 2009 granted Gilgit-Baltistan a similar status as Pakistan’s existing four provinces, albeit still without being enshrined in the country’s constitution. In practice, this means that the province is governed by a Chief Minister, as opposed to by direct rule from Pakistan’s capital Islamabad.’<sup>42</sup>

#### 2.6.14 Freedom House reported in its ‘Freedom in the World 2014 – Pakistani Kashmir’ that:

‘In November 2009 elections for the GBLA, the PPP won 12 of the 24 directly elected seats; 10 of the remainder were divided among four other parties and four independents, and voting for two seats was postponed. Syed Mehdi Shah, head of the PPP’s Gilgit-Baltistan chapter, became chief minister. Following the death of Governor Shama Khalid from cancer in September 2010, Pir Karam Ali Shah, a member of the GBLA, was appointed as governor in January 2011.’<sup>43</sup>

#### 2.6.15 For more detailed information on Azad Kashmir and Gilgit Baltistan see the Austrian Centre for Country of Origin and Asylum Research Documentation (ACCORD) [COI Compilation on Pakistan-administered Kashmir \(Azad Kashmir and Gilgit-Baltistan\)](#), dated 7 May 2012.

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## 2.7 Actors of protection

### Security forces

#### 2.7.1 Amnesty International reported in June 2010 in a report on human rights in Northwest Pakistan that:

‘In its military operations, Pakistan has deployed a wide array of security forces, including army soldiers, Inter-Service Intelligence agents, tribal levies called lashkars (official tribal militias) and khassadars (tribal police), the Frontier Constabulary (an armed police force operating in FATA [Federally Administered Tribal Area] border areas), and the Frontier Corps (a paramilitary force). The army and Frontier Corps (FC) are the two forces with the primary responsibility for maintaining law and order in FATA.’<sup>44</sup>

#### 2.7.2 Amnesty International reported in its 2013 annual report, covering 2012, that ‘Security forces continued to act with impunity and were accused of widespread human rights violations, including arbitrary arrests, enforced disappearances, torture, deaths in custody and extrajudicial executions targeting political activists, journalists, and suspected members of armed groups. In the northwest tribal areas, the armed forces

<sup>41</sup> Jane’s Security Sentinel (subscription only), Pakistan administered Kashmir, updated 19 April 2013, date accessed 11 September 2014

<sup>42</sup> Jane’s Security Sentinel (subscription only), Pakistan administered Kashmir, updated 19 April 2013, date accessed 11 September 2014

<sup>43</sup> Freedom House, Freedom in the World 2014 – Pakistani Kashmir, 8 September 2014, available at: <http://www.refworld.org/docid/5417f3876.html>, date accessed 22 September 2014

<sup>44</sup> Amnesty International <http://amnesty.org/>, ‘As If Hell Fell On Me’: The Human Rights Crisis in Northwest Pakistan, 10 June 2010, Actors in the conflict in Northwestern Pakistan, Government Forces, page 32, <http://www.amnesty.org/en/library/asset/ASA33/004/2010/en/1ea0b9e0-c79d-4f0f-a43d-98f7739ea92e/asa330042010en.pdf>, date accessed 13 February 2014

exploited new and old security laws to provide cover for these violations beyond the reach of the courts.’<sup>45</sup>

2.7.3 Human Rights Watch reported in its annual report covering 2013 that the military ‘remained unaccountable for human rights violations and exercised disproportionate political influence, especially on matters of national security and counter-terrorism.’<sup>46</sup> The same report further stated that ‘There has been a breakdown of law enforcement in the face of politically motivated attacks particularly throughout the province of Balochistan and targeted killings in Karachi. The police and other security forces have been responsible for numerous abuses, including, torture and other ill-treatment of criminal suspects, extrajudicial killings, and unresolved enforced disappearances of terrorism suspects.’<sup>47</sup> During counterterrorism operations Human Rights Watch reported that ‘security forces routinely violate basic rights [...] with suspects frequently detained without charge or convicted without a fair trial.’ For example, during counterterrorism operations in 2009 in north west Pakistan, thousands of suspected members of Al-Qaeda, the Taliban, and other armed groups were arrested, and remained in illegal military detention at the time of writing (January 2014); few had been prosecuted or produced before the courts.’<sup>48</sup>

See Pakistan Country Information and Guidance: [Fear of the Taliban and other militant groups](#)

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## Police

2.7.4 The U.S. Department of State reported in its 2013 Human Rights Report that the Pakistan police force has primary responsibility for internal security across most of the country and its local police force falls under the Ministry of Interior.<sup>49</sup> In 2011, Pakistan’s police forces consisted of approximately 354,000 personnel. Jane’s Sentinel Security Assessment estimated that Pakistan’s most populous province, Punjab, had a 180,000-strong police force of which 40,000 were permanently stationed in police stations. Lahore, with 10 million inhabitants, had 25,000 police and Karachi, the city with the highest incidence of crime and with a population of more than 16 million, had around 29,000 police.<sup>50</sup> In 2008, there were 1,392 police stations across Pakistan: Punjab – 637; Sindh – 440; Khyber Pakhtunkhwa – 218; Balochistan – 84; and Islamabad – 13. Police posts have also been set up where the population and jurisdictional limits of the police area are quite large, allowing the public closer access.<sup>51</sup>

2.7.5 The Immigration and Refugee Board (IRB) of Canada provided information on women police stations, which are staffed by female police officers. It found that sources differed on the number of women police stations in Pakistan, ranging from nine to 19. According to sources consulted by the IRB, women police stations were considered “not very

<sup>45</sup> Amnesty International, Annual Report 2013, 23 May 2013, Violations by security forces, <http://www.amnesty.org/en/region/pakistan/report-2013>, date accessed 13 February 2014

<sup>46</sup> Human Rights Watch, World Report 2014: Pakistan, 21 January 2014

<sup>47</sup> Human Rights Watch, World Report 2014: Pakistan, 21 January 2014

<sup>48</sup> Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Counterterrorism abuses, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

<sup>49</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>50</sup> Jane’s Information Group (subscription only) <http://www.janes.com/>, Sentinel Security Assessment: Pakistan, Security and foreign forces, updated 17 April 2012, date accessed 13 February 2014

<sup>51</sup> Human Rights Commission of Pakistan/Commonwealth Human Rights Initiative, Police Organisations in Pakistan, May 2010, page 23, <http://hrcp-web.org/publication/book/police-organisations-in-pakistan/>, date accessed 13 February 2014



effective”, too few and therefore difficult to access, and under resourced with insufficiently trained staff.<sup>52</sup>

For further information on the organisation of the Pakistan police see the Human Rights Commission of Pakistan (HRCP) and the Commonwealth Human Rights Initiative (CHRI) joint report, Police Organisations in Pakistan, published May 2010.

See Pakistan Country Information and Guidance: Women – Assistance available to women

## Armed forces

2.7.6 The armed forces are responsible for external security although at times they are assigned internal security responsibilities by the government.<sup>53</sup> The total strength of Pakistan’s armed forces was recorded as 590,000 (520,000 Army, 45,000 Air Force and 25,000 Navy personnel), with 500,000 reservists.<sup>54</sup> The Pakistan Army was said to be large, well-trained and reasonably well-resourced with high quality senior leadership, although lacking in high-quality officers.<sup>55</sup>

## Other government forces

2.7.7 Other government forces of Pakistan include the Border guards, consisting of the Frontier Corps (FC) with a total strength of 80,000, and Pakistan Rangers, total strength 44,000. The Pakistan Rangers are responsible for policing the border with India along with other internal security tasks as required. The FC is deployed along the border with Afghanistan under two commands – FC (NWFP [now Khyber Pakhtunkhwa]) and FC (Balochistan).<sup>56</sup>

2.7.8 Amnesty International reported in June 2010 that:

‘In addition to the regular uniformed forces, tribal elders have formed tribal militias or laskhars (literally, “armies”). The institution of the tribal lashkar, originally a tribal irregular volunteer militia, has undergone a transformation during the past few years; it is not a permanent defence force but is an irregular force with a localized mission and hence not accustomed to being directed by a central authority for a sustained purpose. In many instances, tribes, frustrated at insurgent operations including unlawful killings, harassment, intimidation and displacement, set up lashkars for their protection. The army, relying on the superior local knowledge of tribesmen, has of late encouraged and in some cases armed such militias to fight insurgents, in the FATA region as well as in NWFP [Khyber Pakhtunkhwa]. Lashkars have fought militants in several of the FATA’s seven agencies; insurgents, in return, have targeted lashkar members and unlawfully

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<sup>52</sup> Immigration and Refugee Board of Canada, Pakistan: Domestic violence, including effectiveness of the Protection of Women (Criminal Laws Amendment) Act, 2006; state protection and services available to victims, 14 January 2013, PAK104261.E, accessed via <http://www.refworld.org/docid/51222ba42.html>, date accessed 7 February 2014

<sup>53</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>54</sup> Jane’s Information Group (subscription only) <http://www.janes.com/>, Sentinel Security Assessment: Pakistan, Armed forces, updated 30 December 2013, date accessed 13 February 2014

<sup>55</sup> Jane’s Information Group (subscription only) <http://www.janes.com/>, Sentinel Security Assessment: Pakistan, Army, updated 6 January 2014, date accessed 13 February 2014

<sup>56</sup> Jane’s Information Group (subscription only) <http://www.janes.com/>, Sentinel Security Assessment: Pakistan, Security and foreign forces, updated 17 April 2012, date accessed 13 February 2014

killed anti-Taliban tribal elders who have ties to the lashkars as well as relatives of lashkar members.<sup>57</sup>

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## Effectiveness

- 2.7.9 According to information in the U.S. Department of State's 2013 Human Rights Report for Pakistan, the efficiency of the police 'varied greatly by district, ranging from reasonably good to ineffective. Some police committed human rights abuses or were receptive to political interests.'<sup>58</sup> The same report further noted that 'Police often failed to protect members of religious minorities, including Christians, Ahmadiyya Muslims, and Shia Muslims, from attacks.' The U.S. Department of State, in its annual religious freedom report covering 2012, similarly stated that 'There were reports of abuses of religious freedom, including religious prisoners and detainees [...] Government policies did not afford equal protection to members of majority and minority religious groups, and due to discriminatory legislation, minorities often were afraid to profess freely their religious beliefs.'<sup>59</sup>
- 2.7.10 According to a contributing article to a report compiled by the Asia Society Independent Commission on Pakistan Police Reform '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.'<sup>60</sup> Summarising the findings by the Asia Society Independent Commission on Pakistan Police Reform, the report found:
- '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.'<sup>61</sup>
- 2.7.11 The Free and Fair Election Network found after monitoring police stations in Punjab, Sindh and Islamabad Capital Territory during October-December 2011 that 'people at 22% of the monitored police stations said they had to pay bribes for registering First Information Reports (FIRs) while at 18% of the stations they complained of police seeking non-fiscal benefits. Police were seen turning people away at the gate at 18% of the police stations', whilst 'some SHOs (Station House Officers) expressed their unhappiness for being understaffed and lacking facilities like logistical support, fuel,

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<sup>57</sup> Amnesty International <http://amnesty.org/>, 'As If Hell Fell On Me': The Human Rights Crisis in Northwest Pakistan, 10 June 2010, page 33, <http://www.amnesty.org/en/library/asset/ASA33/004/2010/en/1ea0b9e0-c79d-4f0f-a43d-98f7739ea92e/asa330042010en.pdf>, date accessed 13 February 2014

<sup>58</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>59</sup> U.S. Department of State, International Religious Freedom Report 2012: Pakistan, 20 May 2013, Section II

<sup>60</sup> Zulfiqar Hameed, Antiterrorism law, in Asia Society Independent Commission on Pakistan Police Reform, Stabilizing Pakistan through Police Reform, July 2012, page 49, [http://asiasociety.org/files/pdf/as\\_pakistan\\_police\\_reform.pdf](http://asiasociety.org/files/pdf/as_pakistan_police_reform.pdf), date accessed 13 February 2014

<sup>61</sup> Hassan Abbas, Executive Summary and Report Findings, in Asia Society Independent Commission on Pakistan Police Reform, Stabilizing Pakistan through Police Reform, July 2012 page 12

stationery, clean drinking water and electricity connections. They also cited low salaries and strenuous work hours as the reasons for their dissatisfaction.’<sup>62</sup>

- 2.7.12 The United Nations Country Team noted that victims of violence against women and gender-based violence did not usually report the cases or disclose them publicly because of the risk of stigmatisation and consequences from the perpetrators.<sup>63</sup> The U.S. Department of State similarly reported that:

‘Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Authorities usually returned abused women to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse due to fear of dishonoring the family.’<sup>64</sup>

See Pakistan: Country Information and Guidance: Women – Violence and discrimination against women

- 2.7.13 The Australian Government Department of Foreign Affairs and Trade (DFAT) stated in its Country Information Report on Pakistan, that:

‘Pakistan’s laws and Constitution provide for state protection of people’s property, lives and religious beliefs and places. In practice, there is an absence of effective state protection in many areas in Pakistan, particularly outside large urban centres and well-protected cantonments. This situation is particularly difficult for Pakistan’s poor, regardless of ethnicity or religion, because they lack the resources to pursue their rights through Pakistan’s justice system. Overall, a lack of resources and in some cases, political will, limits the federal and provincial governments’ ability to adequately address human rights issues, protect vulnerable groups and prosecute human rights violators.’<sup>65</sup> With regards to the police, the report specifically highlights that ‘The capacity of Pakistani police to maintain law and order is limited by a lack of resources, poor training, insufficient and outmoded equipment, and political manipulation. Police departments are also perceived to be the most corrupt institutions in Pakistan, which further undermines public trust in police as an institution. This problem is compounded by the absence of effective human rights training for many of Pakistan’s police forces.’ With regards to effective protection being available in FATA and in rural areas of Khyber Pakhtunkhwa and Balochistan, the report also stated ‘Attacks by the TTP and other militants against police and security forces in some parts of Pakistan and a general lack of resources limits governments’ ability to exercise effective control and enforce the law.’<sup>66</sup>

- 2.7.14 The U.S. Department of State Report covering 2013 noted that ‘There were improvements in police professionalism during the year. As in previous years, the

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<sup>62</sup> The Free and Fair Election Network (FAFEN) <http://www.fafen.org/site/v5/main>, Police stations in Punjab, Sindh and ICT understaffed, 20 February 2012, [http://www.fafen.org/site/v5/detail-police stations in punjab, sindh and ict understaffed!404](http://www.fafen.org/site/v5/detail-police%20stations%20in%20punjab,%20sindh%20and%20ict%20understaffed!404), date accessed 13 February 2014

<sup>63</sup> United Nations, Human Rights Council, Working Group on the Universal Periodic Review, Fourteenth session, Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2 Pakistan, 13 August 2012, paragraph 17, <http://www.unhcr.org/refworld/pdfid/506d3d412.pdf>, date accessed 5 March 2014

<sup>64</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6

<sup>65</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 21, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

<sup>66</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 21, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

Punjab provincial government conducted regular training in technical skills and protection of human rights for police at all levels.’<sup>67</sup>

- 2.7.15 In March 2012 the Senate passed the National Commission of Human Rights Act 2011. The bill allows the National Commission of Human Rights (NCHR) to investigate cases of abuse committed by the authorities, including the armed forces and intelligence agencies, although in such cases would only be able to make recommendations to the government.<sup>68</sup>

See [Corruption](#)

See also Pakistan: Country Information and Guidance [Religious freedom – Violence and discrimination against Christians](#)

- 2.7.16 Human Rights Watch stated that ‘The deep-rooted security crisis in the country was underscored by the inability or unwillingness of military and civilian institutions to end attacks on the population by militant groups.’<sup>69</sup> The Australian Government Department for Foreign Affairs and Trade (DFAT) stated in November 2013 that In Quetta and Balochistan, federal and provincial authorities ‘do not exercise effective control outside of urban centres and cantonments.’<sup>70</sup>

See Pakistan: Country Information and Guidance [Fear of the Taliban and other militant groups](#)

- 2.7.17 The International Crisis Group reported in January 2014 that:

‘Endemic violence in Pakistan’s urban centres signifies the challenges confronting the federal and provincial governments in restoring law and order and consolidating the state’s writ [...] Islamabad and the four provincial governments need to develop a coherent policy framework, rooted in providing good governance and strengthening civilian law enforcement, to tackle criminality and the jihadi threat. Until then, criminal gangs and jihadi networks will continue to wreak havoc in the country’s big cities and put its stability and still fragile democratic transition at risk [...] Police in Peshawar, which has borne the brunt of militant violence and where violence is at an all-time high, lack political support and resources and appear increasingly incapable of meeting the challenge. Indeed, while militants and criminals frequently target that city, the force is powerless to act when they then seek haven in bordering FATA agencies, because its jurisdiction, according to the Frontier Crimes Regulation (FCR) 1901, does not extend to these areas.’<sup>71</sup>

See [Frontier Crimes Regulation \(FCR\)](#)

- 2.7.18 The International Institute for Strategic Studies (IISS) stated in its Armed Conflict Database, January to July 2013, that:

‘Attacks on journalists, teachers, schools, health workers and the intimidation of women and lawyers continued unabated in the Federally Administered Tribal Areas (FATA). The government of Khyber-Pakhtunkhwa announced that armed clashes between rival

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<sup>67</sup> U.S. Department of State, [Country Report on Human Rights Practices for 2013: Pakistan](#), 27 February 2014, section 1d

<sup>68</sup> The Express Tribune, Landmark Senate bill: Human rights body to also scrutinise armed forces, 12 March 2012 <http://tribune.com.pk/story/348797/landmark-senate-bill-human-rights-body-to-also-scrutinise-armed-forces/>, date accessed 27 February 2014

<sup>69</sup> Human Rights Watch (HRW), World Report 2014 – Pakistan, 21 January 2014, Counterterrorism abuses, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

<sup>70</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 10, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

<sup>71</sup> International Crisis Group (ICG), Policing urban violence in Pakistan, 23 January 2014, Executive summary, [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/255-policing-urban-violence-in-pakistan.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/255-policing-urban-violence-in-pakistan.pdf), date accessed 14 February 2014



militant groups in Khyber Agency forced over 80,000 residents to flee their homes. Tribal elders claimed that over 60 people, including women and children, died of hunger and natural calamities after 12,000 people were forced to flee their homes in Kurram Agency.’<sup>72</sup>

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## Human rights violations and impunity

- 2.7.19 The latest annual report by the UK Foreign & Commonwealth Office covering 2013 noted that ‘Poor access, corruption, and low standards of integrity plague law enforcement throughout the country. Human rights violators and abusers are further emboldened when they are able to act with impunity. Mistreatment of people held in police custody continues to be reported, and there is little evidence of the authorities taking these allegations seriously.’<sup>73</sup> The same source added:
- ‘The promulgation of the Protection of Pakistan Ordinance (PPO) in October 2013 was of particular concern. The PPO empowers police and security agencies to arrest anybody on the basis of “credible” information that he/she is involved in anti-state activities, terrorism and treason. Several of its provisions contravene international human rights standards, for example by allowing security forces to conceal the location of detained persons, and their handing over to security forces without legal oversight.’<sup>74</sup>
- 2.7.20 The U.S. Department of State reported that ‘Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families’ and that ‘there were reports that some police detained individuals arbitrarily without charge or on false charges in order to extort bribes for their release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender.’ The same report further noted that in general ‘some police committed human rights abuses or were receptive to political interests. Frequent failure to punish abuses contributed to a climate of impunity... The Society for Human Rights and Prisoners’ Aid [SHARP] reported more than 7,200 cases of torture by police in 2013, compared to 9,300 in 2012. Methods included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters.’<sup>75</sup> The U.S. Department of State’s report further noted that ‘There were reports that police personnel employed cruel and degrading treatment and punishment’ and that ‘police and security forces raped women’, with the government ‘rarely [taking] action against those responsible.’<sup>76</sup>
- 2.7.21 Amnesty International reported that ‘hundreds of unlawful killings, including extrajudicial executions and deaths in custody were widely reported’, and were particularly prevalent in Balochistan and Sindh provinces, and in the north west tribal areas.<sup>77</sup> In its 2013

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<sup>72</sup> International Institute for Strategic Studies (IISS) Armed Conflict Database (subscription only) <https://acd.iiss.org/>, Pakistan (KPK and Northwest), Human Security, January to July 2013, date accessed 14 February 2014

<sup>73</sup> UK Foreign & Commonwealth Office, Corporate Report: Pakistan – Country of Concern, 10 April 2014, Access to justice and the rule of law, <https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern#access-to-justice-and-the-rule-of-law>, date accessed 2 October 2014

<sup>74</sup> UK Foreign & Commonwealth Office, Corporate Report: Pakistan – Country of Concern, 10 April 2014, Access to justice and the rule of law, <https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern#access-to-justice-and-the-rule-of-law>, date accessed 2 October 2014

<sup>75</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1c and 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>76</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1c and 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>77</sup> Amnesty International, Annual Report 2013, 23 May 2013, Unlawful killings, <http://www.amnesty.org/en/region/pakistan/report-2013>, date accessed 14 February 2014

annual human rights report the Human Rights Commission of Pakistan noted that 'According to media monitoring by HRCP, 357 police encounters were reported from across the country in 2013... A total of 503 suspects were killed in these encounters and 49 were injured. In 2012, HRCP monitoring had found that 403 suspects were killed in 350 police encounters across the country. The figure for 2011 was 254 police encounters leading to the killing of 337 suspects.'<sup>78</sup>

- 2.7.22 The U.S. Department of State reported that 'There were kidnappings and forced disappearances, with reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado and refused to disclose their location. Human rights organizations reported that many Sindhi and Baloch nationalists were among the missing, and there were reports of disappearances during the year in connection with the conflicts in FATA and KP [Khyber Pakhtunkhwa].'<sup>79</sup>
- 2.7.23 Amnesty International reported that 'Pakistan's armed forces, including their intelligence services and paramilitary forces officially under the authority of the executive, are the primary organ of the state accused of committing enforced disappearances' and that 'Enforced disappearances, abductions and extra-judicial executions continue with impunity at an alarming rate in Balochistan. Reportedly, hundreds of Baloch activists, teachers, journalists and lawyers have been abducted or killed in the last two years alone [...] In many cases, victims' families blame these incidents on Pakistan's security forces, especially the Frontier Corps and intelligence services. The security forces deny the charges and claim that the deaths are a result of tribal differences between Baloch militant groups. However, in many of the cases Amnesty International has documented, the victims were last seen alive being led away by uniformed Frontier Corps soldiers, often accompanied by men in plain clothes, in front of multiple witnesses at military checkpoints and in cities and towns.'<sup>80</sup> The U.S. Department of State also noted that extrajudicial killings were committed by security forces, especially in Balochistan, FATA and KP.<sup>81</sup>

See also [Corruption](#)

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## 2.8 Rule of law and the judiciary

### Organisation

- 2.8.1 The US Department of State International Religious Freedom Report for 2013, Pakistan, (US IRF Report 2013) covering 2013 events, stated:

'The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdictions reflecting differences in civil, criminal, and Islamic jurisprudence. The Federal Shariat Court (FSC) and the sharia bench of the Supreme Court serve as appellate courts for certain convictions in criminal courts, including those for rape, extramarital sex, alcohol use, and gambling. The FSC exercises "revisional jurisdiction" in those cases (the power to review, of its own accord, cases in lower courts), a power which applies to such cases whether they involve Muslims or non-

<sup>78</sup> Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014, page 47-48, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>, date accessed 1 May 2014

<sup>79</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1b, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>80</sup> Amnesty International, Pakistan urged to address enforced disappearances, 29 August 2012, <http://www.amnesty.org/en/library/asset/ASA33/013/2012/en/e2c4311b-dcc5-48be-93b9-87f67afbd53d/asa330132012en.pdf>, date accessed 1 May 2014

<sup>81</sup> U.S. Department of State, Country Reports on Human Rights Practices for 2013: Pakistan, 27 February 2014, Section 1a

Muslims. Non-Muslims are allowed to consult the FSC in other matters that affect them or violate their rights if they so choose.’<sup>82</sup>

- 2.8.2 A February 2011 report on the judicial system of Pakistan stated ‘The Supreme Court is the apex Court of the land, exercising original, appellate and advisory jurisdiction. It is the Court of ultimate appeal and therefore the final arbiter of law and the Constitution. Its decisions are binding on all other courts. The Court consists of a Chief Justice and other judges, appointed by the President as per procedure laid down in the Constitution.’<sup>83</sup>
- 2.8.3 The report added ‘There is a High Court in each province and a High Court for the Islamabad Capital Territory. Each High Court consists of a Chief Justice and other puisne judges. The strength of Lahore high Court is fixed at 60, High Court of Sindh at 40, Peshawar High Court at 20, High Court of Baluchistan at 11 and Islamabad High Court at 7.’<sup>84</sup>
- 2.8.4 The Australian Government Department of Foreign Affairs and Trade (DFAT) stated in November 2013 that:
- ‘Like Pakistan’s police forces, the capacity of the Pakistani judiciary is limited, particularly in those areas of the country where governments lack the ability to implement the judiciary’s orders. The judicial system also struggles to finalise cases quickly, fairly and transparently, due in part to a lack of qualified investigators and judges (including for specialised ATCs [anti-terrorism courts]) and a lack of an effective witness protection system. These constraints make successful prosecution of human rights offenders more difficult. Access to justice for victims of crime has been constrained by financial, structural, political, and cultural reasons. The creation of a parallel Shariat court system has made Pakistan’s judicial system more complex. As an alternative to state justice systems, many residents in tribal areas seek justice through traditional dispute resolution systems.’<sup>85</sup>
- 2.8.5 The USSD HR Report 2013 stated that ‘The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operate under separate judicial systems. For example, Azad Kashmir has its own elected president, prime minister, legislature, and court system independent of the country’s judiciary. Gilgit-Baltistan also has a separate judicial system.’<sup>86</sup>

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<sup>82</sup> US Department of State, International Religious Freedom Report for 2013, Pakistan, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222339>, date accessed 11 September 2014

<sup>83</sup> Supreme Court of Pakistan, The Judicial System of Pakistan by Dr Faqir Hussain, Registrar, Supreme Court of Pakistan, 15 February 2011, page 14, [http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf), date accessed 11 September 2014

<sup>84</sup> Supreme Court of Pakistan, The Judicial System of Pakistan by Dr Faqir Hussain, Registrar, Supreme Court of Pakistan, 15 February 2011, page 16, [http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf), date accessed 11 September 2014

<sup>85</sup> Australian Government Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report: Pakistan, 29 November 2013, Judiciary, paragraphs 5.10 and 5.11

<sup>86</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 11 September 2014



## Federal Shariat Court (Islamic court)

- 2.8.6 The Federal Shariat Court consists of eight Muslim judges, including the Chief Justice. Of the eight Judges, three are required to be Ulema<sup>87</sup> – having at least fifteen years experience in Islamic law, research or instruction.<sup>88</sup>
- 2.8.7 The Judicial System of Pakistan report stated that:  
'The [Federal Shariat] Court, on its own motion or through petition by a citizen or a government (Federal or provincial), may examine and determine as to whether or not a certain provision of law is repugnant to the injunctions of Islam. Appeal against its decision lies to the Shariat Appellate Bench of the Supreme Court, consisting of 3 Muslim judges of the Supreme Court and not more than 2 Ulema, appointed by the President. If a certain provision of law is declared to be repugnant to the injunctions of Islam, the Government is required to take necessary steps to amend the law so as to bring it in conformity with the injunctions of Islam. The Court also exercises appellate and revisional jurisdiction over the criminal courts, deciding Hudood cases.'<sup>89</sup>
- 2.8.8 The U.S. Department of State Report for 2013 noted:  
'Cases under the Hudood Ordinance – a law enacted in 1979 by military leader Muhammad Zia-ul-Haq to implement a strict interpretation of Islamic law by enforcing punishments for extramarital sex, false accusation of extramarital sex, theft, and drinking of alcohol – were typically appealed first to the Federal Shariat Court (FSC). The Supreme Court ruled that, in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the shariat courts lack authority to review the provincial high court's decision. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in such appellate cases. The shariat courts may overturn legislation judge inconsistent with Islamic tenets, but such cases may be appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.'<sup>90</sup>
- 2.8.9 The Freedom House Freedom in the World 2013 – Pakistan report noted that 'The Sharia court enforces the 1979 Hudood Ordinances, which criminalize extramarital sex and several alcohol, gambling, and property offenses. They provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments.'<sup>91</sup>
- 2.8.10 The U.S. Department of State Report for 2013 noted:  
'In 2010 the FSC declared several clauses of the Women's Protection Act un-Islamic and unconstitutional. The verdict sought to reinstate certain provisions of the 1979 Hudood Ordinance and expand the FSC's jurisdiction in cases of adultery and false accusations of adultery. The FSC directed its judgment to the federal government as

<sup>87</sup> Supreme Court of Pakistan, The Judicial System of Pakistan by Dr Faqir Hussain, Registrar, Supreme Court of Pakistan, 15 February 2011, page 19, [http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf), date accessed 11 September 2014

<sup>88</sup> Constitution of Pakistan, Part VII, Chapter 3A, section 203C, <http://www.pakistani.org/pakistan/constitution/>, date accessed 19 August 2014

<sup>89</sup> Supreme Court of Pakistan, The Judicial System of Pakistan by Dr Faqir Hussain, Registrar, Supreme Court of Pakistan, 15 February 2011, page 19-20, [http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf), date accessed 11 September 2014

<sup>90</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 11 September 2014

<sup>91</sup> Freedom House, Freedom in the World 2013 - Pakistan, 10 June 2013, available at: <http://www.refworld.org/docid/51b7359e16.html>, date accessed 12 September 2014

well as the provincial and Islamabad high courts for implementation. In 2011 the federal government appealed the FSC's decision to the Supreme Court, which had yet to set a hearing date by year's end [2012]. In September the nongovernmental Council of Islamic Ideology, which advises parliament and the prime minister, rejected the Women Protection Act, saying it was contrary to the spirit of the Koran and sharia. On December 30 [2012], the country appointed a female judge to the FSC for the first time.<sup>92</sup>

See Pakistan: Country Information and Guidance [Women](#)

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## Anti-Terrorism Act and courts

2.8.11 The U.S. Department of State reported with regards to special anti-terrorism courts, that:

'The Anti-terrorism Act allows the government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. After arrest, suspects must be brought before the anti-terrorism courts within seven working days, but the courts are free to extend the period. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation.'<sup>93</sup> Anti-Terrorism Courts have a high acquittal rate often due to witnesses retracting their statements or failing to appear because of threats against them and their families.<sup>94</sup>

2.8.12 The [Pakistan Anti-Terrorism \(Amendment\) Ordinance, 1999](#) defines an act of terrorism and the penalties prescribed.<sup>95</sup>

## Frontier Crimes Regulation (FCR)

2.8.13 The U.S. Department of State annual report explained that there is a separate legal system for the Federally Administered Tribal Areas (FATA), known as the Frontier Crimes Regulation (FCR).<sup>96</sup> All civil and criminal cases in FATA are decided under the FCR by a jirga (council of elders). Residents of the tribal areas may, however, approach the apex courts (Supreme Court of Pakistan and Peshawar High Court) with a constitutional writ challenging a decision issued under the FCR.<sup>97</sup> According to U.S. Department of State 'the FCR has often been criticized for several harsh provisions, some of which were mitigated when President Zardari amended the FCR in 2011.' The changes related to banning the collective responsibility of a tribe, restricting the arbitrary

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<sup>92</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>93</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>94</sup> U.S. Department of State, Country Reports on Terrorism 2012 – Pakistan, 30 May 2013, Chapter 2. Country Reports: South and Central Asia Overview, <http://www.state.gov/j/ct/rls/crt/2012/209983.htm>, date accessed 20 February 2014

<sup>95</sup> South Asia Terrorism Portal, Pakistan Anti-Terrorism Amendment Ordinance, 1999 [http://www.satp.org/satporqtp/countries/pakistan/document/actsandordinances/anti\\_terrorism.htm](http://www.satp.org/satporqtp/countries/pakistan/document/actsandordinances/anti_terrorism.htm), date accessed 20 February 2014

<sup>96</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>97</sup> Federally Administered Tribal Areas Government website, Administrative system, undated [http://fata.gov.pk/index.php?option=com\\_content&view=article&id=50&Itemid=84](http://fata.gov.pk/index.php?option=com_content&view=article&id=50&Itemid=84), date accessed 20 February 2014

nature of the powers of political agents or district coordination officers and granting citizens the right to challenge the decisions of political agents in courts.<sup>98</sup>

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## Tribal justice system – jirgas

2.8.14 A traditional jirga (tribal council) deals with various issues affecting those in tribal areas including land and property disputes, inheritance, alleged violations of honour, and intra-tribal/inter-tribal killings. According to a report by Community Appraisal & Motivation Programme (CAMP) “jirga” is one such traditional or tribal justice system, being practiced by the Pakhtun ethnic group that lives in Pakistan and Afghanistan’ with ‘Jirga’ being the ‘most preferred form of informal or parallel justice/dispute resolution mechanism in many Pakhtun dominated areas of Pakistan. However Jirga is still the formal mechanism for dispensing justice and resolving conflicts in the FATA under the Frontier Crimes Regulation (FCR).’ The same report also found that ‘Jirga’ has ‘various inbuilt systemic issues’ as Jirga decisions ‘may sometimes result in the violation of human rights, especially the rights of women and ethnic/religious minorities.’<sup>99</sup> Jirgas are conventionally men-only. However, in 2013, an all-female jirga was convened in Swat Valley, Khyber Pakhtunkhwa.<sup>100</sup> Freedom House noted in its annual report that ‘Feudal landlords and tribal elders throughout Pakistan adjudicate some disputes and impose punishments – including the death penalty and the forced exchange of brides between tribes – in unsanctioned parallel courts called jirgas. Human rights groups have noted that such jirgas impose hundreds of death sentences each year, the majority on women.’<sup>101</sup>

2.8.15 On 6 August 2012 the UN General Assembly reproduced Pakistan’s ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21’, for the Human Rights Council Working Group on the Universal Periodic Review (UPR) in October/November 2012. The report stated:

‘In April 2004, Sindh High Court imposed a ban on holding jirgas in the province. In 2008, the Sindh Government issued directives to all District Police Officers to ensure a complete ban on holding illegal jirgas and arresting those involved. Follow-up implementation has had mixed results. Despite the verdict of the Sindh High Court there have been reports of illegal jirgas being held in some parts of the country.’<sup>102</sup>

2.8.16 The USSD HR Report 2013 recorded:

‘Informal justice systems lacking the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights abuses. Feudal landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, held local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or at

<sup>98</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1d,

<http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>99</sup> Community Appraisal and Motivation Programme, Understanding Jirga: Legality and Legitimacy in Pakistan’s Federally Administered Tribal Areas, 2011, pages 37-38, <http://archiv.ub.uni-heidelberg.de/savifadok/3124/1/Understanding-Jirga-07-2011.pdf>, date accessed 20 February 2014

<sup>100</sup> BBC News, Pakistani women use jirga to fight for rights, 25 July 2013, <http://www.bbc.co.uk/news/world-asia-23453243>, date accessed 28 February 2014

<sup>101</sup> Freedom House, Freedom in the World 2013: Pakistan, 10 June 2013

<sup>102</sup> United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Fourteenth session, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Pakistan, 6 August 2012, <http://www.unhcr.org/refworld/pdfid/506d3bec2.pdf>, date accessed 12 September 2014

times the death penalty. Women often were sentenced to violent punishments or death for “honor”-related crimes. In Pashtun areas, primarily located in FATA, such councils were held under the outlines of the FCR [Frontier Crimes Regulation]. 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. Under the pashtunwali code of conduct, a man, his family, and his tribe are obligated to take revenge for wrongs, real or perceived, to redeem their honor.

‘Frequently disputes arose over women and land. They often resulted in violence. The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, honor killings, or “watta-satta” marriages (exchange of brides between clans or tribes).’<sup>103</sup>

- 2.8.17 The Australian Government Department of Foreign Affairs and Trade (DFAT) stated in November 2013 that ‘In those areas not under effective state protection, a number of cruel or inhuman punishments have been imposed by militants through traditional justice systems for offences including spying, theft, adultery and perjury. Punishments reportedly include execution, amputation of limbs, stoning and the blackening of faces.’<sup>104</sup> Freedom House similarly noted in its annual report that ‘Militants in the tribal areas and parts of KP have reportedly set up their own courts, enforcing a strict interpretation of Islamic law and dispensing harsh penalties with little regard for due process.’<sup>105</sup>

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## Independence

- 2.8.18 The U.S. Department of State reported that the judiciary was often subject to intimidation from outside influences, such as fear of reprisal in terrorism or blasphemy cases, although in non-political cases the media and the public usually considered the high courts and the Supreme Court to be credible. However, the same report also noted reports ‘persist[ing] about corruption in the judicial system, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked independence, and superior court judges sometimes pressured them on how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government’s control over the court system.’ According to reporting by the United States Institute for Peace ‘The witness protection system in Pakistan is almost non-existent. Consequently, those who testify against powerful criminals and militants in courts receive no security.’<sup>106</sup>
- 2.8.19 Human Rights Watch reported in its annual report covering 2013 that ‘Pakistan’s judiciary remains an independent, but controversial actor’ with ‘access to justice remain(ing) poor, as case backlogs mount throughout the country’ and the courts ‘are rife with corruption.’ With regards to the Supreme Court and other courts in general Human Rights Watch further noted that ‘The Supreme Court was active in raising enforced disappearances and government abuses in Balochistan in 2013, yet did not

<sup>103</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220402>, date accessed 11 September 2014

<sup>104</sup> Australian Government Department of Foreign Affairs and Trade (DFAT), [DFAT Country Information Report: Pakistan, 29 November 2013, Cruel, Inhuman or Degrading Treatment of Punishment, paragraph 411.](#)

<sup>105</sup> Freedom House, [Freedom in the World 2013: Pakistan, 10 June 2013](#)

<sup>106</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220402>, date accessed 11 September 2014



hold any high-level military officials accountable, demonstrating the limits of judicial independence in a state in which the military is the most powerful actor. Judges also continued to muzzle media and other criticism of the judiciary through threats of contempt of court proceedings.’<sup>107</sup>

- 2.8.20 Freedom House noted in its Freedom in the World 2014 report, covering 2013 events, that ‘Over the last decade, the higher judiciary has become comparatively free of the problems that are endemic in the broader justice system, including corruption, intimidation, a large backlog of cases, and political interference. Under Chief Justice Chaudhry, who retired in December 2013, the higher judiciary took on an activist role, which helped it assert its independence but also caused tensions with the political branches.’<sup>108</sup>
- 2.8.21 Following the UN Special Rapporteur on the independent of judges and lawyers’ mission to Pakistan in May 2012, her report highlighted in particular ‘problematic ambiguities in jurisdictions and legal systems; the new system for appointing judges of the superior courts; the lack of protection for judicial actors; the application of discriminatory laws; the Supreme Court’s judicial activism and the use of its suo moto powers ; the precarious situation of women in the justice system; and the existence of informal “justice” systems.’<sup>109</sup>

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## Fair trial

- 2.8.22 According to the USSD HR Report 2013:

‘The civil, criminal, and family court systems provide for public trial, 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 appoint attorneys for indigents only in capital cases. Defendants 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. SPARC [Society for the Protection of the Rights of the Child] stated that juvenile prisoners were subject to a slow process due to a lack of special juvenile courts or judges and concluded that a fair and just juvenile justice system did not exist in the country.’<sup>110</sup>

- 2.8.23 The same reported added ‘Many lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government’s control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both the trial and appellate levels.’<sup>111</sup>

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<sup>107</sup> Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Judicial Activism and Independence, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

<sup>108</sup> Freedom House, Freedom in the World 2014, 26 June 2014, Rule of law, available at: <http://www.refworld.org/docid/53b2b8b413.html>, date accessed 12 September 2014

<sup>109</sup> UN Special Rapporteur on the independent of judges and lawyers, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, Addendum, Mission to Pakistan, 4 April 2013, Summary

<sup>110</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220402>, date accessed 11 September 2014

<sup>111</sup> US Department of State, Country Report on Human Rights Practices 2013 – Pakistan, 27 February 2013, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dldid=220402>, date accessed 11 September 2014

2.8.24 The Human Rights Commission of Pakistan reported in its annual report for 2013 (HRCP Report 2013), that 'A heavy backlog of cases across all tiers of the judicial system remained the foremost hurdle in realising the goal of expeditious justice. The courts' ability to do deal with the caseload was hampered also by delay in appointment of judicial officers. The most extensive interaction of the people at large with the judicial machinery was at the district level and it was at this level that delays were most pervasive.'<sup>112</sup>

2.8.25 The U.S. Department of State Report covering 2013 noted:

'The Senate passed the Prevention of Anti-Women Practice Amendment Act in 2011. The law criminalizes and punishes giving a woman in marriage to settle a civil or criminal dispute; depriving a woman of her rights to inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the marriage of a woman with the Koran, including forcing her oath on the Koran to remain unmarried or not to claim her share of an inheritance. The Senate also unanimously passed the Acid Control and Acid Crime Practice Bill 2010, which makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. As with other laws, these measures are not applicable to the FATA and PATA unless the president issues a notification to this effect.

'A third bill, passed in 2011, provides for economic and other support to women in prison who were unable to defend themselves legally or post bail for lack of familial support and funds.

'In March 2012 on International Women's Day, the president signed the National Commission on the Status of Women Bill into law, which accords the commission new financial and administrative autonomy and thereby better scope to investigate violations of women's rights.' The same report also highlighted that 'NGOs and women's activists stressed that while these laws were positive steps, implementation remained a serious challenge.'<sup>113</sup>

See Pakistan: Country Information and Guidance: [Women](#)

2.8.26 For information on the penalties for absconding from trial see the [Law and Justice Commission of Pakistan's Amendment in the Pakistan Penal Code 1860 to Provide Punishment for Absconding from Trial](#).<sup>114</sup>

2.8.27 The U.S. Department of State reported that the Supreme Court and higher courts continued to hear missing persons' cases.<sup>115</sup> Radio Free Europe/Radio Liberty reported in December 2013 that Pakistan's Supreme Court has 'ordered the release of 35 so-called "missing persons" allegedly being held at a military detention center without charge.' The same article also noted that 'The case has piled pressure on Pakistan's powerful security and intelligence agencies to give a full account of the hundreds of

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<sup>112</sup> Human Rights Commission of Pakistan, State of Human Rights in 2013, page 22, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>, date accessed 11 September 2014

<sup>113</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6, <http://www.state.gov//drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>114</sup> Law & Justice Commission of Pakistan, Amendment in the Pakistan Penal Code 1860 to Provide Punishment for Absconding from Trial, Report No.53, undated <http://www.ljcp.gov.pk/Menu%20Items/Publications/Reports%20of%20the%20LJCP/reports/rep%2053.doc>, date accessed 17 February 2014

<sup>115</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1b, <http://www.state.gov//drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

people who have disappeared after being detained by authorities. Human rights groups say the number of “missing persons” is in the thousands.’<sup>116</sup>

See also Pakistan: Country Policy and Information: [Prison conditions](#)

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## Juvenile justice

2.8.28 The Society for the Protection of the Rights of the Child (SPARC) stated in its 2013 report, [The State of Pakistan’s Children 2013](#), covering 2013 events, that:

‘Despite the passage of 13 years since the adoption of the Juvenile Justice System Ordinance 2000 [JJSO] and three years since the adoption of the Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 [KPCPWA], the State has yet to establish separate and exclusive courts for handling cases of juvenile offenders (Juvenile Courts) and children at risk (special courts) under the JJSO and KPCPWA respectively.’

‘Juvenile offenders continued to be subjected to a slow judicial process due to an absence of special Juvenile Courts and judges. Furthermore, due to overburdened courts (resulting in a slow judicial process), juvenile offenders were faced with an unnecessary deprivation of liberty.’<sup>117</sup>

2.8.29 For more detailed information on juvenile justice see the SPARC report [The State of Pakistan’s Children 2013](#).

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## 2.9 Corruption

2.9.1 In its 2013 Corruption Perceptions Index (CPI), published 5 December 2012, Transparency International ranked Pakistan 127 in the world corruption ranking, out of 177 countries (compared to 139 out of 176 countries in 2012<sup>118</sup>), giving it a CPI score of 28.<sup>119</sup> (The CPI ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory’s score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean).

2.9.2 The Foreign and Commonwealth Office (FCO) noted in its report ‘Pakistan – Country of Concern’, published 10 April 2014, that ‘Poor access, corruption, and low standards of integrity plague law enforcement throughout the country. Human rights violators and abusers are further emboldened when they are able to act with impunity. Mistreatment of people held in police custody continues to be reported, and there is little evidence of the authorities taking these allegations seriously.’<sup>120</sup>

2.9.3 The US Department of State’s Country Report on Human Rights 2013 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:

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<sup>116</sup> [Radio Free Europe/Radio Liberty, Pakistani Supreme Court Orders Authorities To Present ‘Missing Persons’, 10 December 2013](#)

<sup>117</sup> Society for the Protection of the Rights of the Child, [The State of Pakistan’s Children 2013](#), May 2014, page 52, <http://www.sparcpk.org/SOPC-2013/Juvenile%20Justice.pdf>, date accessed 12 September 2014

<sup>118</sup> Transparency International, [Corruption Perception Index \(CPI\) 2012](#), 5 December 2013, <http://www.transparency.org/cpi2012/results>, date accessed 2 October 2014

<sup>119</sup> Transparency International, [CPI 2013](#), 3 December 2013, <http://www.transparency.org/cpi2013/results>, date accessed 2 October 2014

<sup>120</sup> Foreign and Commonwealth Office, [Corporate report, Pakistan – Country of Concern](#), 10 April 2014, Access to justice and the rule of law, <https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern>, date accessed 2 October 2014



‘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. A 2010 survey by Transparency International noted the major cause of corruption was lack of accountability, followed by low salaries. Some police charged fees to register genuine complaints and accepted bribes for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that appointments of station house officers were politicized.

‘Anecdotal reports persisted about corruption in the judicial system, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked independence, and superior court judges sometimes pressured them on how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government’s control over the court system.’<sup>121</sup>

See also Actors of protection: [Effectiveness](#) and [Human rights violations and impunity](#), [Rule of law and the judiciary](#) and [Forged and fraudulently obtained documents](#)

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## 2.10 Citizenship and nationality

2.10.1 Information issued by the Pakistan government Directorate General of Immigration and Passports website, advised that Pakistan citizenship can be acquired in specific circumstances; these included: ‘Foreign ladies married to Pakistani nationals’, and the ‘Minor children (below 21 years of age) of Pak [sic] ladies married to foreigners.’ 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 are to be treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 16 countries, including the UK.<sup>122</sup>

2.10.2 The [Pakistan Citizenship Act, 1951](#), stated that Pakistan citizenship could be acquired:

- 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.<sup>123</sup>

### National identity cards

2.10.3 Every ‘genuine’ citizen of Pakistan aged 18 or above is eligible for a Computerised National Identity Card (CNIC). To obtain a CNIC the applicant needs to register at any NADRA (National Database and Registration Authority) Swift Registration Center (NSRC). The following documents are required for the CNIC: birth certificate, educational certificates, and the national identity cards of the applicant’s immediate/blood relatives. A citizenship certificate issued by the Ministry of Interior is

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<sup>121</sup> U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 4,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

<sup>122</sup> Government of Pakistan, Directorate General of Immigration and Passports, Immigration, undated, <http://www.dgip.gov.pk/Files/Immigration.aspx>, date accessed 22 September 2014

<sup>123</sup> Pakistan Citizenship Act, 1951 [Pakistan], 13 April 1951, available at:

<http://www.refworld.org/docid/3ae6b4ffa.html>, date accessed 22 September 2014

also required.<sup>124</sup> CNIC cards contain two addresses written on the back of the card; one with the holders present address; and one for their permanent address.<sup>125</sup>

2.10.4 A Child Registration Certificate (CRC) is a registration document used to register minors under the age of 18 years.<sup>126</sup> As reported by the UN Committee on the Rights of the Child, 4 January 2008, a CRC includes ‘...the minor’s name and registration number, date of birth, place of birth, gender, and parents’ names and CNIC numbers. The Child is allotted [the] same registration number when he/she applies for CNIC upon attaining 18 years of age. It is the responsibility of every child’s parents/guardians to get registered the children under 18 years of age [sic].’<sup>127</sup>

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## 2.11 Forged and fraudulently obtained documents

2.11.1 The Immigration and Refugee Board of Canada (IRB) Research Directorate noted in a response on fraudulent documents in Pakistan, published 13 December 2011, that:

‘A lawyer and Lahore High Court advocate ... said, in correspondence with the Research Directorate, that “fraudulent documents are quite prevalent,” particularly “manually generated documents”... The lawyer stated that, along with bribes, political influence and family or friends are used to obtain fraudulent documents... In addition, [an] official at the Canadian High Commission said that fraudulent documents are “easily” obtained on the Internet and in markets and bazaars...’<sup>128</sup>

2.11.2 On the types of fraudulent documents, the IRB added:

‘According to the High Commission official, the following documents are routinely found to be fraudulent: education documents; birth, death, marriage and divorce certificates; employee reference letters; financial documents; official family composition forms; police certificates; entry and exit stamps in passports; and Canadian and other visas... The lawyer corroborated the statement that fraudulent documents may include birth certificates and education documents, and added that they also include land-owning title documents, court documents, bank statements, hospital certificates, medical prescriptions, newspaper articles, and police documents, including First Information Reports (FIRs)...’<sup>129</sup> The IRB further noted that other sources indicated that FIRs may be fraudulent.<sup>130</sup>

2.11.3 In regard to FIRs, the IRB stated:

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<sup>124</sup> National Database and Registration Authority (NADRA), CNIC (Computerized National Identity Card), undated [http://www.nadra.gov.pk/index.php?option=com\\_content&view=article&id=6&Itemid=9](http://www.nadra.gov.pk/index.php?option=com_content&view=article&id=6&Itemid=9), date accessed 22 September 2014

<sup>125</sup> Foreign and Commonwealth Office, British High Commission, Islamabad, Email dated 18 January 2013, date accessed 23 September 2014

<sup>126</sup> NADRA, CRC, <http://www.nadra.gov.pk/index.php/products/certificates/crc>, undated, date accessed 22 September 2014

<sup>127</sup> Office of the High Commissioner for Human Rights (OHCHR), Committee on the Rights of the Child, Consideration Of Reports Submitted By States Parties Under Article 44 Of The Convention, Third and fourth periodic reports of States parties due in 2007: Pakistan, 4 January 2008, published 19 March 2009, paragraph 174, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.PAK.3-4.pdf>, date accessed 22 September 2014

<sup>128</sup> Immigration and Refugee Board of Canada, Pakistan: Fraudulent documents other than identity documents, including methods of obtaining fraudulent documents and assessing the credibility of fraudulent documents; First Information Reports (FIRs), newspaper articles, academic qualifications, and land ownership titles, 13 December 2011, PAK103917.E, available at: <http://www.refworld.org/docid/50ebf9ef2.html>, date accessed 22 September 2014

<sup>129</sup> IRB, PAK103917.E, 13 December 2011, available at: <http://www.refworld.org/docid/50ebf9ef2.html>, date accessed 22 September 2014

<sup>130</sup> IRB, PAK103917.E, 13 December 2011, available at: <http://www.refworld.org/docid/50ebf9ef2.html>, date accessed 22 September 2014

'The lawyer indicated that a complainant may have registered a fraudulent FIR with the police but that other FIRs, though not in police records, may have been obtained by some other means... The lawyer added that FIRs are "never registered entirely according to the true facts of the case"... He said that FIRs do not provide an accurate record of cases due to "extremely poor" police training, "poor forensic and investigatory techniques and knowledge of the law," and "low" ethical standards... According to the lawyer, the failure to accurately record the facts of a case also occurs in "genuine cases"...'<sup>131</sup>

See also Freedom of movement and internal relocation: [First Information Reports \(FIRs\)](#), and [Corruption](#)

2.11.4 The Australian Government Department of Foreign Affairs and Trade (DFAT), published a report on Pakistan, dated 29 November 2013, which provided information on document fraud. The DFAT report stated:

'Improvements made by NADRA to the process for issuing of CNICs and passports has reduced the incidence of fraud in these types of document. However, as noted above, genuine documents are sometimes issued under false pretences. For example, according to media reports, Pakistan's Interior Ministry reportedly granted Pakistani citizenship to 126 Afghan nationals among 203 other foreigners in 2008–10 in violation of the country's laws.

'Other forms of documentation which are not centrally-controlled are more open to fraud. This includes, for example, school and academic records, bank records and documents issued in a legitimate format without proper verification by local authorities.'<sup>132</sup>

2.11.5 The IRB response cited that sources indicated that some newspaper articles may be fraudulent, and that it was possible to have false stories printed in newspapers, which, although occurring less than in the past, was more prevalent in Urdu-language newspapers as opposed to English-language publications.<sup>133</sup>

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<sup>131</sup> IRB, PAK103917.E, 13 December 2011, available at: <http://www.refworld.org/docid/50ebf9ef2.html>, date accessed 22 September 2014

<sup>132</sup> Australian Government, DFAT reports, Country Information Report: Pakistan, 29 November 2013, Page 25, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 September 2014

<sup>133</sup> IRB, PAK103917.E, 13 December 2011, available at: <http://www.refworld.org/docid/50ebf9ef2.html>, date accessed 22 September 2014

# Annex A: Map of Pakistan

Map of Pakistan, dated 2010, extracted from the University of Texas at Austin, Perry-Castañeda Library Map Collection.<sup>134</sup>



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<sup>134</sup> University of Texas at Austin, Perry-Castañeda Library Map Collection <http://www.lib.utexas.edu/maps/>, Pakistan, 2010, [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/pakistan\\_pol\\_2010.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/pakistan_pol_2010.jpg), date accessed 21 February 2014

# Annex B: Map of Kashmir region

Map of Kashmir region, dated 2004, extracted from the University of Texas at Austin, Perry-Castañeda Library Map Collection.<sup>135</sup>



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<sup>135</sup> University of Texas at Austin, Perry-Castañeda Library Map Collection, Kashmir region, 2004  
[http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/kashmir\\_region\\_2004.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/kashmir_region_2004.jpg), date accessed 19 September 2014

# Annex C: Caselaw

## **AW (sufficiency of protection) Pakistan [2011] UKUT 31(IAC)** (26 January 2011)

The Upper Tribunal of the Immigration and Asylum Chamber found that:

1. At paragraph 55 of Auld LJ's summary in *Bagdanavicius* [2005] EWCA Civ.1605 it is made clear that the test set out in *Horvath* [2001] 1 AC 489 was intended to deal with the ability of a state to afford protection to the generality of its citizens.
2. 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 (per Auld LJ at paragraph 55(vi)).
3. 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.

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# Change Record

Version	Date	Change References
1.0	06/10/2014	First version of updated template.

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