



# EASO Country of Origin Information Report

## Pakistan Country Overview

August 2015





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UNHCR has reviewed the report in relation to information for which UNHCR is quoted as the source, relating to persons of concern to UNHCR in Pakistan (refugees, asylum-seekers and stateless persons in Pakistan, as well as IDPs).

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# Disclaimer

This report was written according to the EASO COI Report Methodology (2012) <sup>(1)</sup>. The report is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

Refugee, risk and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum *Acquis* and the Geneva Convention.

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The target audience are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised in May 2015. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the methodology section of the introduction.

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<sup>(1)</sup> The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: <http://www.easo.europa.eu>.

# Glossary

<b>ANP</b>	Awami National Party
<b>Ah-le Sunnat Wal Jama'at</b>	Political Sunni Deobandi organisation
<b>AI</b>	Amnesty International
<b>AJK</b>	Azad Jammu and Kashmir
<b>Athna ashariya</b>	Twelver school of thought (in Islam)
<b>AVR</b>	Assisted voluntary returns
<b>AVRR</b>	Assisted voluntary returns and reintegration
<b>Awqaf</b>	Religious endowments
<b>APNA</b>	All Parties National Alliance
<b>Bait-ul-Mal</b>	Arabic term, translated as House of money or House of wealth, a financial institution responsible for the administration of taxes and distribution of <i>zakat</i> in Islamic states.
<b>BHU</b>	Basic Health Units
<b>BLA</b>	Balochistan Liberation Army
<b>BLF</b>	Baloch Liberation Front
<b>CAT</b>	Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
<b>CCP</b>	Code of Criminal Procedures
<b>CCPR</b>	International Covenant on Civil and Political Rights
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>CESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>CRC</b>	Convention on the Rights of the Child
<b>CRC-OP-SC</b>	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CID</b>	Criminal Investigation Department
<b>CNIC</b>	Computerised National Identity Cards
<b>CRSS</b>	Centre for Research and security Studies
<b>Deeni madrassa/madaris</b>	Religious school see also <i>Madrassa</i>
<b>Deobandi</b>	Muslim school
<b>DHH</b>	District Headquarter Hospitals

<b>EC</b>	Encashment Centres (where potential returnees to Afghanistan are assisted)
<b>ECL</b>	Exit Control List
<b>ECP</b>	Election Commission of Pakistan
<b>Falaka</b>	Beating the soles of the feet with a cane
<b>FATA</b>	Federally Administered Tribal Areas
<b>FC</b>	Frontier Corps
<b>FCR</b>	Frontier Crimes Regulation
<b>FIA</b>	Federal Investigation Agency
<b>FIR</b>	First Information Report (a police document with first-hand information about an offense, e.g. witness reports)
<b>GBESGO</b>	Gilgit-Baltistan Empowerment and Self-Governance Order
<b>GB</b>	Gilgit-Baltistan
<b>GBC</b>	Gilgit-Baltistan Council
<b>GDP</b>	Gross Domestic Product
<b>Girya</b>	Men who take on the penetrating role in male to male sex
<b>Gurdwara</b>	Place of worship for Sikhs
<b>Guru Granth Sahib</b>	The Sikh holy book
<b>Hadd</b>	Literally meaning ‘limit’ and defined as punishment ordained by the Holy Qur’an (Koran) or Sunnah. Its plural is <i>Hudood</i> .
<b>Haqqani network</b>	Armed insurgent movement led by Jalaluddin Haqqani and his son Sirajuddin Haqqani. Their headquarters are in North Waziristan and in South-East Afghanistan.
<b>Hazara</b>	Tribal group living in Balochistan province of Pakistan (migrated from Afghanistan).
<b>Hijras</b>	Heterogeneous community of transvestite, hermaphrodite, transsexual, homosexual persons and eunuchs
<b>HRCP</b>	Human Rights Commission of Pakistan
<b>HRW</b>	Human Rights Watch
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICT</b>	Islamabad Capital Territory
<b>Iddat</b>	In Islam, <i>iddat</i> is the period a women must observe after the death of her spouse or after divorce during which she may not marry another man. The period, three months after a divorce and four months and 10 days after the death of her spouse, is calculated on the number of menses that a woman has.
<b>IDP</b>	Internally Displaced Person
<b>IGLHCR</b>	International Gay and Lesbian Human Rights Commission
<b>IJU</b>	Islamic Jihad Union

<b>IMU</b>	Islamic Movement of Uzbekistan
<b>Inverse strappado</b>	Being hung from a hook and kicked and punched repeatedly, causing shoulders to dislocate
<b>ISI</b>	Inter-Services Intelligence
<b>ISPAK</b>	Internet Service Providers Association of Pakistan
<b>IDMC</b>	Internal Displacement Monitoring Centre
<b>Jel</b>	Jamaat-e Islami (Pakistan Islamic Assembly)
<b>JeM</b>	Jaish-e-Muhammad (Muhammad's Army)
<b>Jirga</b>	Assembly/informal body of male elders, usually tribal, formed to resolve disputes and decide on social problems. The term is from the Pashtu language of Khyber Pakhtunkhwa but the <i>jirgas</i> exist throughout Pakistan. In Punjab, a <i>jirga</i> is also called <i>panchayat</i> .
<b>Jizya</b>	Islamic protection tax for Non-Muslims
<b>JKLF</b>	Jammu Kashmir Liberation Front
<b>JUI-F</b>	Jamiat Ulema-e-Islam – Fazl-ur (Assembly of Islamic Clerics – Fazl-ur-Rahman Group)
<b>Jundullah</b>	Soldiers of Allah, a group linked to TTP
<b>Karo kari</b>	Sindhi term literally meaning disreputable man – disreputable woman (who have brought disgrace and dishonour to the clan or family by indulging in an illicit relationship), an offence for which, according to cultural tradition, they must be killed in order to redeem family or clan honour. In Balochistan the term used is <i>siyah kari</i> .
<b>Katchi abadis</b>	Squatter settlements
<b>Khassadar</b>	Local police
<b>Khawaja sara</b>	Eunuch
<b>Khula</b>	Women's right to divorce
<b>KP</b>	Khyber Pakhtunkhwa
<b>Lal Masjid</b>	Red Mosque in Islamabad
<b>Lashkars</b>	Irregular militia
<b>LeJ</b>	Lashkar-e-Jhangvi (Jhangvi's Army)
<b>LeT</b>	Lashkar-e-Taiba (Army of the Pure)
<b>LI</b>	Lashkar-e-Islam (Army of Islam)
<b>LoC</b>	Line of Control, disputed border line between India and Pakistan in the regions of Jammu and Kashmir
<b>Lungi-holder</b>	Representative of a sub-tribe or clan
<b>Madrassa</b>	Religious school, see also <i>Deeni Madrasa</i>
<b>Malik</b>	Representative of a tribe
<b>Malishia</b>	Person practicing massage or prostitution

<b>MQM</b>	Muttahadi Qaumi Movement
<b>Maslak</b>	School of thought (in Islam)
<b>Mol</b>	Ministry of Interior
<b>MSM</b>	Men who have sex with men
<b>Muqallid</b>	Follower (of Islam)
<b>Muharram</b>	The first month of the Islamic calendar
<b>Murid</b>	Disciple of holy men ( <i>murshids</i> )
<b>Murshid</b>	Holy man
<b>NACTA</b>	National Counter Terrorism Authority
<b>NADRA</b>	National Database & Registration Authority
<b>Naib Tehsildar</b>	Deputy <i>Tehsildar</i> (see under <i>Tehsildar</i> )
<b>NAP</b>	National Action Plan to eliminate terrorism
<b>NCA</b>	National Command Authority
<b>NDO</b>	National Database Organization
<b>NICOP</b>	National Identity Card for Overseas Pakistani
<b>NCJP</b>	National Commission for Justice and Peace
<b>NSRC</b>	Nadra Swift Registration Centre
<b>Nikahnama</b>	Marriage registration deed
<b>NIRM</b>	National Institute of Rehabilitation Medicine
<b>NWFP</b>	North West Frontier Province, the former name for Khyber Pakhtunkhwa
<b>OP</b>	Overseas Pakistanis
<b>Panchayat</b>	Community court
<b>PAT</b>	Pakistan Awami Tehreek (Pakistan People Movement)
<b>PATA</b>	Provincially Administered Tribal Areas
<b>PBC</b>	Pakistan Broadcasting Corporation
<b>PDHS</b>	Pakistan Demographic and Health Survey
<b>PEMRA</b>	Pakistan Electronic Media Regulatory Authority
<b>PHC</b>	Pakistan Hindu Council
<b>PHC</b>	Primary Health Care
<b>PIL</b>	Pakistan Interfaith League
<b>PIPS</b>	Pakistani Institute for Peace Studies
<b>Pir(sahib)</b>	Sufi saint, spiritual guide
<b>PML(N)</b>	Pakistani Muslim League (Nawaz Sharif)
<b>PML-Q</b>	Pakistan Muslim League-Quaid-e-Azam

<b>POC</b>	Proof of Origin Card
<b>PoR</b>	Proof of Registration Card
<b>PPA</b>	Pakistan Protection Act
<b>PPC</b>	Pakistan Penal Code, Act XLV of 1860
<b>PPO</b>	Protection of Pakistan Ordinance
<b>PPP</b>	Pakistan’s People Party (Bilawal Zardari Bhutto)
<b>PTA</b>	Pakistan Telecommunication Authority
<b>PTCL</b>	Pakistan Telecommunication Company Limited
<b>PTI</b>	Pakistan Tehreek-e-Insaf (Pakistan Movement for Justice)
<b>PTV</b>	Pakistan Television
<b>Qisas and Diyat Ordinance</b>	Promulgated by the military dictator General Zia-ul-Haq as an Islamic law, it made murder a compoundable crime. In addition to encouraging crime in general, this law has also encouraged killing of women on the pretext of honour allowing the murderer to seek forgiveness from family members.
<b>RHC</b>	Rural Health Centres
<b>ROPA</b>	Representation of People Act of 1976
<b>SAFRON</b>	Ministry of States and Frontier Regions
<b>SATP</b>	South Asia Terrorism Portal
<b>SDLA</b>	Sindhi Desh Liberation Army
<b>Siya kari</b>	See <i>Karo Kari</i>
<b>SMP</b>	Sipah-e-Mohammed Pakistan (Shia militant group)
<b>SNIC</b>	Smart National Identity Card
<b>SNICOP</b>	Smart National Identity Card for Overseas Pakistanis
<b>SPOC</b>	Smart Pakistan Origin Card
<b>SSP</b>	Sipah-e-Sahaba Pakistan (Army of the Prophet Followers, a former Deobandi political party)
<b>Talaq</b>	Divorce
<b>Tanzim ul Madaris Ahl-e-Sunnaht</b>	Umbrella organisation of the Barelvis
<b>Tariaqath</b>	The path (in Islam)
<b>Taqlid</b>	Imitation (in Islam)
<b>Tazir</b>	Sentence of imprisonment or death under normal law
<b>THH</b>	Tehsil Headquarter Hospitals
<b>TIF</b>	Tanzim-ul-Islam-al-Furqan (extremist group in Balochistan)
<b>TNFJ</b>	Tehrik-e-Nifaz-e-Fiqh-e-Jafaria (Movement for the Implementation of the Jafarian Rite)
<b>TTP</b>	Tehrik-e Taliban Pakistan (Pakistan Movement of Taliban)

<b>Tehsil</b>	Town
<b>Tehsildar</b>	Administrative head of a <i>tehsil</i>
<b>UBA</b>	United Baloch Army
<b>Ulema</b>	Islamic scholars
<b>Union/tehsil council</b>	A Union council is the lowest tier of local administration/government in Pakistan and is often known as village councils in rural areas. A <i>tehsil</i> is the second tier of local government in Pakistan; each <i>tehsil</i> is part of a larger district. Each <i>tehsil</i> is subdivided into a number of union councils. A district council is the first tier of local government in Pakistan and comprises members elected through <i>tehsil</i> councils.
<b>USCIRF</b>	U.S. Commission on International Religious Freedom
<b>Vani/Swara</b>	A custom in Pakistan whereby young girls and female children are given as compensation and forcibly married to members of the enemy clan to end tribal feuds or to compensate for a crime committed by a male member of the family. In the Punjab province, the tradition is called <i>vani</i> , in Sindh it is known as <i>sang-chatti</i> , in Balochistan it is called <i>Irjaai</i> and in Khyber Pakhtunkhwa it is called <i>swara</i> .
<b>VBMP</b>	Voice for Baloch Missing Persons
<b>VRC</b>	Voluntary Repatriation Centre
<b>VRF</b>	Voluntary Repatriation Form (in VRCs)
<b>Watta-satta marriages</b>	Exchange of brides between tribes
<b>WEWA</b>	Women's Employees Welfare Association
<b>Zakat</b>	A religious tax on assets and liquidity (2.5 %). The practice of almsgiving or <i>zakat</i> is one of the five pillars of Islam.
<b>Zarb-e-Azb</b>	Codename for a military operation launched on 15 June 2014
<b>Zenana</b>	A 'ladylike man' or 'woman in a man's body'
<b>Zila</b>	District
<b>Zina</b>	In Islamic Law, <i>zina</i> is unlawful sexual intercourse, i.e. intercourse between a man and a woman who are not married to each other.

# Map of Pakistan



Source <sup>(2)</sup>: Courtesy of the University of Texas Libraries, the University of Texas at Austin.

<sup>(2)</sup> University of Texas at Austin, *Pakistan Administrative Divisions* [map], source: CIA, 2010.

# Introduction

This report was drafted by Country of Origin Information (COI) specialists from the COI units or asylum administrations listed as co-authors in the Acknowledgements section, together with the European Asylum Support Office (EASO), according to its mandate.

The report aims to provide relevant information for international protection status determination (PSD, including refugee status and subsidiary protection). In the Annex, the Terms of Reference for this report can be found.

## Methodology

### Defining the terms of reference

Between 24 February and 6 March 2015, EASO collected input for the terms of reference from EU+ countries <sup>(3)</sup> and UNHCR. All input was considered and discussed and the terms of reference were finalised during a meeting in Croydon (UK) on 10 March 2015, to which all drafters and reviewers were invited.

### Collecting information

The report presents information collected between 10 March and 4 May 2015. After this, some additional research was done in the review phase on selected topics only. A limited number of specialised paper-based and electronic sources were consulted within the time frame and the scope of the research. Furthermore, a number of contact persons were interviewed. For security reasons, not all contacts were named; the choice had to be made between not interviewing them at all or referring to them as 'anonymous sources'. Considering the value of the information provided, the latter approach was preferred.

### Quality control

To verify whether the writers respected the EASO COI Report Methodology, a review was carried out by COI specialists from the countries listed as reviewers in the Acknowledgements section. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

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<sup>(3)</sup> EU Member States plus Norway and Switzerland.

# 1. General Country Information

## 1.1 Geography

### 1.1.1 Landscape

Pakistan is located in Southern Asia, bordering Iran to the west, India to the south-east, Afghanistan to the north-west, China to the north-east and the Arabian Sea to the south. The mountain ranges of the Himalayas, the Karakoram and the Hindukush form Pakistan's northern highlands of Khyber Pakhtunkhwa (KP) and Gilgit-Baltistan<sup>(4)</sup>. The Indus River and its tributaries dominate the eastern and southern parts of Pakistan<sup>(5)</sup>. The country's total area is 796 095 square km, with a coastline of 1 046 km<sup>(6)</sup>.

### 1.1.2 Climate

Pakistan's climate is semi-arid, generally characterised by hot summers and cold winters. There are four seasons, varying in onset and duration according to location: a cool, dry winter from December to February; a hot, dry spring from March to May; the summer rainy season from June to September; and the retreating monsoon in October and November. Temperatures in the capital, Islamabad, can average as low as 2 °C in January and as high as 40 °C in June<sup>(7)</sup>.

### 1.1.3 Administrative divisions

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>(8)</sup>. FATA is composed of seven tribal agencies: Bajaur, Khyber, Kurram, Orakzai, Mohmand, North Waziristan, and South Waziristan<sup>(9)</sup>. The Pakistan-administered area of the disputed Jammu and Kashmir region consists of two administrative regions: Azad Kashmir and Gilgit-Baltistan<sup>(10)</sup>. See also section [1.4.2 Federalism](#).

### 1.1.4 Cities

#### Islamabad

Pakistan's capital is Islamabad. Construction of the city began in 1961; it is compact, covering an area of 65 square km. The Islamabad Capital Territory (ICT), administered by the Federal Government<sup>(11)</sup>, is divided into eight zones: administrative, diplomatic, residential, institutional, industrial, and commercial areas, a greenbelt, and a national park<sup>(12)</sup>. Islamabad city is divided into five major zones: Zones I and II are mainly residential. Zones are divided into sectors, identified by a letter (A to I) and a number. Zone III consists mainly of the Margalla Hills and Margalla Hills National Park. Zone IV (the largest zone in area) and Zone V consist of Islamabad Park, and rural areas of the city<sup>(13)</sup>.

<sup>(4)</sup> Pakistan Tourism Development Corporation, *Pakistan, Landscape, location and geography*, n.d.

<sup>(5)</sup> National Geographic, *Pakistan Facts*, [website] n.d.

<sup>(6)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(7)</sup> US Library of Congress, *Pakistan: A Country Study*, 1994.

<sup>(8)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(9)</sup> FATA, [website] n.d.

<sup>(10)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(11)</sup> ICTA, [website] n.d.

<sup>(12)</sup> Encyclopaedia Britannica, *Islamabad, National Capital, Pakistan*, updated 31 July 2013.

<sup>(13)</sup> Islamabad the Capital, *Zones in Islamabad*, n.d.

## Rawalpindi

Rawalpindi, known locally as ‘Pindi’, lies 14 km northeast of Islamabad and covers an area of 5 286 square km<sup>(14)</sup>. The city consists of seven *tehsils* (subdivisions) – Gujar Khan, Kallar Syedan, Kahuta, Kottli Sattian, Murree, Rawalpindi, and Taxila. The headquarters of Pakistan’s armed forces is based in the city<sup>(15)</sup>, as is Islamabad International Airport<sup>(16)</sup>.

## Karachi

Located in southern Pakistan, Karachi is the capital of Sindh province. It is the country’s largest city – 591 square km – and principal seaport<sup>(17)</sup>, and is the country’s financial and commercial capital. Karachi is split into six districts: East, West, Central, South, Malir and Korangi<sup>(18)</sup>.

## Lahore

Lahore is Pakistan’s second largest city (404 square km<sup>(19)</sup>) and the capital of Punjab province<sup>(20)</sup>. Also known as the ‘Gardens of the Mughals’ or ‘City of Gardens’, after the Mughal Empire (1524 to 1752), the city has a concentration of monuments and buildings that reflect cultural diversity in architecture<sup>(21)</sup>. It is a leading commercial, banking and industrial centre with railways and air services linking to other major cities<sup>(22)</sup>.

### 1.1.5 Transport infrastructure

Pakistan has 263 775 km of road network<sup>(23)</sup>, including 12 131 km of national highways and motorways<sup>(24)</sup>, and 7 791 km of railway network serving 781 railway stations<sup>(25)</sup>. The major international airports are Allama Iqbal, Lahore; Bacha Khan, Peshawar; Benazir Bhutto, Rawalpindi (also serving Islamabad); Faisalabad; Jinnah, Karachi; Multan; and Quetta. Other international airports include Bahawalpur; D.G. (Dera Ghazi Khan); Gawadar; Rahim Yar Khan; and Turbat<sup>(26)</sup>. There are three major seaports in Karachi, Bin Qasam and Gwadar<sup>(27)</sup>.

## 1.2 Demography

### 1.2.1 Population

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 2014) are the capital, Islamabad (1.297 million); Rawalpindi (2.432 million); Karachi (16.126 million); Lahore (8.5 million); Faisalabad (3.460 million); Gujranwala (2.053 million); and Multan (1.874 million)<sup>(28)</sup>.

Although two-thirds of the population live in rural areas, Pakistan has the largest urban population in South Asia at about 58 million (2008). There are approximately 50 000 villages with populations of less than 10 000; some 450 small towns with a population less than 100 000; seven metropolitan cities – Faisalabad, Gujranwala, Hyderabad, Multan, Peshawar, Quetta and Rawalpindi – with a population of more than one million<sup>(29)</sup>.

<sup>(14)</sup> City District Government Rawalpindi, [website] n.d.

<sup>(15)</sup> City District Government Rawalpindi, [website] n.d.

<sup>(16)</sup> Punjab Portal, *Rawalpindi*, n.d.

<sup>(17)</sup> Encyclopaedia Britannica, *Karachi, Pakistan*, last updated 9 June 2014.

<sup>(18)</sup> KMC [website] n.d.

<sup>(19)</sup> Punjab Portal, *Lahore*, n.d.

<sup>(20)</sup> Encyclopaedia Britannica, *Lahore, Pakistan*, last updated 6 September 2013.

<sup>(21)</sup> AKDN, *Pakistan: Conservation and Development in Gilgit-Baltistan and the Punjab*, n.d.

<sup>(22)</sup> Encyclopaedia Britannica, *Lahore, Pakistan*, last updated 6 September 2013.

<sup>(23)</sup> GoP, Ministry of Finance, *Highlights Pakistan Economic Survey 2013-14*, p. 13.

<sup>(24)</sup> NHA, *PSDP and Highways/Motorways Network*, n.d.

<sup>(25)</sup> Pakistan Tourism Development Corporation, *Pakistan*, n.d.

<sup>(26)</sup> PCAA [website], n.d.

<sup>(27)</sup> Pakistan Tourism Development Corporation, *Pakistan*, n.d.

<sup>(28)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(29)</sup> UN Habitat, *Country Programme Document, Pakistan, 2008-2009*, p. 8.

## 1.2.2 Ethnic and religious groups

The main ethnic groups of Pakistan comprise of Punjabi 44.68 %, Pashtun 15.42 %, Sindhi 14.1 %, Sariaki 8.38 %, Mohajirs 7.57 %, Balochi 3.57 %, other 6.28 %<sup>(30)</sup>. According to the 1998 census, 95 % of Pakistan's population was Muslim, of which about 75 % is Sunni and 25 % Shia<sup>(31)</sup>. Figures estimating the number of Ahmadiyya in Pakistan varied greatly, ranging from 600 000<sup>(32)</sup>, to 2-4 million. Hindus, Christians, Parsis/Zoroastrians, Bahais, Sikhs, Buddhists and others comprise a further 5 %<sup>(33)</sup>.

## 1.2.3 Language

Urdu is the national language; English is used for official purposes<sup>(34)</sup>. While Urdu is the first language for just 8 % of Pakistanis, an estimated 80-90 % uses it as their second functional language, making it a virtual lingua franca<sup>(35)</sup>. Other main languages of Pakistan are Punjabi 48 %, Sindhi 12 %, Siraiki (a Punjabi variant) 10 %, Pashtu 8 %, Balochi 3 %, Hindko 2 %, Brahui 1 %<sup>(36)</sup>.

# 1.3 Short History

## 1.3.1 Before independence

Throughout history the fertile plains of the Indus River was occupied by different peoples. Originally a Hindu and Buddhist region, Muslims conquered large parts of the area in the 10<sup>th</sup> and 11<sup>th</sup> century. In later centuries the sultanate of Delhi and the Mughal occupied the area. When in the middle of the 18<sup>th</sup> century the Afghan Durrani Pashtun dynasty took control, the region was already predominantly Muslim. After several wars in the first half of the 19<sup>th</sup> century, almost all of the territory that constitutes present-day India and Pakistan came under the rule of the British East India Company. The 20<sup>th</sup> century saw the development of a movement calling for Indian independence. The All India Muslim League was formed in 1906 in Dhaka. Muhammad Ali Jinnah became its most significant leader, advocating an independent homeland for the Indian Muslims<sup>(37)</sup>.

## 1.3.2 From dominion to republic

On 14 August 1947 Pakistan became a dominion within the Commonwealth with Muhammad Ali Jinnah as governor general. As a result of the partition of British India into India and Pakistan, Bengal and Punjab were divided and only the provinces of Balochistan, the North-West frontier and Sindh came to Pakistan intact. The Maharadja principality of Kashmir acceded to India but this was rejected by the Muslim majority population. A raid of Pashtun invaders in Kashmir led to the intervention of the Indian army and caused the first Indian-Pakistani war (22 October 1947). After the ceasefire (2 January 1949), a temporary demarcation was decided which later became known as the Line of Control (LoC). Pakistan's economic situation was dire from the start and politicians struggled to maintain stability. In September 1948 Jinnah died. Six years later the Muslim League suffered a severe electoral defeat against a united opposition in Bengal East Pakistan, indicating an increasing political divide between East and West Pakistan. In 1956 a new constitution was adopted which declared Pakistan an Islamic republic<sup>(38)</sup>.

## 1.3.3 First military era

In October 1958 the military staged a coup. Political parties were abolished, the constitution abrogated and martial law declared. Army Chief General Muhammad Ayub Khan became Prime Minister and soon assumed the presidency.

<sup>(30)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(31)</sup> US DOS, *International Religious Freedom Report for 2013, Pakistan*, 28 July 2014.

<sup>(32)</sup> Al Jazeera, *Pakistan's Ahmadiyya: An 'absence of justice'*, 7 August 2014.

<sup>(33)</sup> US DOS, *International Religious Freedom Report for 2013, Pakistan*, 28 July 2014.

<sup>(34)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 1973.

<sup>(35)</sup> Gregory, S., *Review of the UKBA Country of Origin Report for Pakistan (Report dated 17 January 2011) for the IAGCI*, 26 April 2011, p. 3.

<sup>(36)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(37)</sup> Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 1-74; Schofield, V., *Kashmir in Conflict. India, Pakistan and the Unending War*, 2004, pp. 1-26; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 1-43; US Library of Congress, *Pakistan: A Country Study*, 1994.

<sup>(38)</sup> Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp.75-211; New Encyclopedia Britannica (The), Pakistan, 1990, pp. 388-390; Schofield, V., *Kashmir in Conflict. India, Pakistan and the Unending War*, 2004, pp. 27-72; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 45-66.

Under Ayub Khan, there was a reasonable economic growth especially in the manufacturing industry, though a clear imbalance between East and West persisted. Poverty in East Pakistan increased while West Pakistan enjoyed economic growth. In 1965 war broke out with India over Kashmir, but both countries soon concluded a peace treaty. In Bengal, the nationalist Awami League appeared as the main political force. Opposition to President Ayub Khan's autocratic military rule grew and in February 1969 he announced that he would not contest in the 1970 presidential election. A month later he ceded power to army chief general Agha Muhammad Yahya Khan, who became President. In the general election of 1970 the Awami League, led by Mujibur Rahman, gained a majority of seats in the assembly (167 of the 300 total). In the West the Pakistan People's Party (PPP) of Zulfikar Ali Bhutto, a Sindhi Shia nobleman, got 83 seats. Mujibur Rahman opted for far reaching autonomy which proved impossible to accept for Yahya Khan. The West Pakistani military invaded East Pakistan where heavy fighting broke out between the army and Awami League militants. In December 1971 India intervened successfully in the conflict and forced Islamabad to recognise the independence of the new republic of Bangladesh <sup>(39)</sup>.

### 1.3.4 Zulfikar Ali Bhutto

Accepting responsibility for the defeat and the breakup of Pakistan President Yahya resigned and Bhutto became the undisputed leader of former West Pakistan. In 1973 a new constitution was adopted and Bhutto became Prime Minister. A year later the Parliament adopted a law declaring the Ahmadis Non-Muslims. The elections of 1977 were contested between Bhutto's PPP and an opposition alliance, which advocated more Islamism. Though the PPP won a large majority of the votes, violence broke out in large parts of the country <sup>(40)</sup>.

### 1.3.5 Second military era

On 5 July 1977 army chief General Muhammad Zia-ul-Haq declared martial law, starting a new period of military rule. He soon became President and had Bhutto tried and executed. In order to gain more popular support for his leadership Zia acceded to Islamists and introduced a new Islamic code of laws. In 1979 elections were postponed indefinitely, political parties and strikes banned and the press experienced strict censorship. The 1979 Soviet invasion of Afghanistan had serious consequences for Pakistan. Backed by the US and a number of Muslim countries, Zia provided support to Afghan mujaheddin resisting Soviet influence and advocated a wider islamisation policy. Millions of Afghan refugees, fleeing the conflict, settled in Pakistan. In August 1988 President ul-Haq was killed in a mysterious plane crash <sup>(41)</sup>.

### 1.3.6 A decade of civilian rule

In November 1988 Pakistan had its first open national election in more than 10 years. The PPP, led by Benazir Bhutto, daughter of Zulfikar, gained a distinctive victory. Bhutto formed a coalition government and became Prime Minister. In 1989 relations with the US started to sour after it became apparent that Pakistan had secretly developed a nuclear capacity. Economically, Pakistan entered a period of stagflation. The PPP lost the 1990 elections to a right wing conservative alliance led by Muhammad Nawaz Sharif. He promoted a policy of economic liberalisation but was unable to restore the economy. Benazir Bhutto returned to power after the 1992 elections, starting a programme of nationalisation. In the mid-1990s Pakistan started to support the Taliban, a Pashtun fundamentalist group that had made inroads in Afghanistan. Eventually Pakistan became one of three countries worldwide to recognise Mullah Muhammad Omar as the legitimate ruler of Afghanistan. The PPP lost the 1997 elections and Sharif became Prime Minister again. In 1999 Pakistani-backed militants engaged in heavy fighting with Indian troops in Kargil on the Line of Control. The incident almost escalated to full-scale war and soured relations between Sharif and the army command <sup>(42)</sup>.

<sup>(39)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 14-16; Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 212-430; New Encyclopedia Britannica (The), *Pakistan*, 1990, p. 390; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 68-123.

<sup>(40)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 16-18; Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 431-578; New Encyclopedia Britannica (The), *Pakistan*, 1990, p. 390; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 130-160.

<sup>(41)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 18-20; Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 579-710; New Encyclopedia Britannica (The), Volume 25, *Pakistan*, 1990, p. 391; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 163-202.

<sup>(42)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 20-24; Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 711-848; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 204-257.

### 1.3.7 Third military era

On 12 October 1999 Sharif tried to replace the army chief, General Pervez Musharraf. This led to an army coup. Military officers arrested Sharif who was soon after sent into exile to Saudi Arabia. General Musharraf became President, starting a third era of military rule. Economic policy turned towards liberalisation and privatisation. The 1999 military coup had severed Pakistan's ties with the West. This isolation came to an end after the attacks of 9 September 2001 when President Musharraf supported the US-led military operation in Afghanistan <sup>(43)</sup>. Another factor ending the isolation was the US diplomatic intervention to stop the nuclear alert between India and Pakistan in 2002 because of the Kashmir crisis <sup>(44)</sup>. Through a series of legal measures Musharraf increased the power of the Pakistani presidency. Support for the US Afghan campaign effort triggered fierce opposition from far right religious groups. Remnants of Taliban, Al-Qaeda and affiliated formations had infiltrated the porous Pakistani-Afghan border and were stirring up opposition to Islamabad in the eastern tribal areas while sectarian tensions rose. The position of President Musharraf further weakened in 2007 when he entered a prolonged conflict with chief justice Iftikhar Chaudry. The same year Benazir Bhutto and Nawaz Sharif returned to Pakistan from exile and started to mobilize their supporters in view of the 2008 elections. On 27 December 2007 Benazir Bhutto was assassinated at an election rally in Rawalpindi. Two months later, her Pakistan People's Party won the election <sup>(45)</sup>.

### 1.3.8 Recent developments

PPP stalwart Yousaf Raza Gillani became Prime Minister in early 2008 and in the following months tried to oust President Musharraf. Finally in August 2008, Musharraf resigned. Asif Zardari, the widower of Benazir Bhutto, succeeded him as head of state. Soon power was shifted again from the President to the Prime Minister through the 18<sup>th</sup> amendment to the constitution, voted for unanimously by Parliament <sup>(46)</sup>.

The government faced many difficulties. In Balochistan a separatist insurrection occurred following the violent death of tribal leader Nawab Akbar Bugti. Even worse was the situation in the eastern tribal areas where Tehrik-e-Taliban Pakistan (TTP) was able to occupy large parts of the territory. The army offensive to oust them from KP caused devastation and created large numbers of refugees. The Taliban also engaged in terrorist attacks within Pakistan. The country was also increasingly affected by sectarian violence. In November 2008, Lashkar-e-Taiba (LeT), an extremist organisation with links to Pakistani military intelligence, conducted a large terrorist attack in Mumbai, India. In May 2011 US Special Forces killed Al-Qaeda leader Osama Bin Laden during a raid in Abbottabad, without notifying Islamabad. The US also increasingly used drone attacks to kill terrorists in the Pakistani tribal areas. In April 2012 Prime Minister Gillani resigned after a series of corruption charges <sup>(47)</sup>. At the elections of 11 May 2013 the conservative PML(N) gained a parliamentary majority. Nawaz Sharif once again became Prime Minister <sup>(48)</sup>.

Initial attempts to negotiate with the Taliban were frustrated due to the continued violence <sup>(49)</sup>. Military action by the army against the Taliban in the FATA led again to terrorist strikes, the most notorious being an attack on an army public school in Peshawar in December 2014, which claimed 145 lives, including 132 schoolchildren <sup>(50)</sup>. In 2015 the Pakistani army was conducting military operations aiming to eradicate the Taliban in North-Waziristan <sup>(51)</sup>.

<sup>(43)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 24-30; Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 849-940; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 259-348.

<sup>(44)</sup> Hussain Zahid, *Frontline Pakistan, The struggle with militant Islam*, 2007, pp. 110-111.

<sup>(45)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 24-30; Khan, H., *Constitutional and Political History of Pakistan*, 2001, pp. 849-940; Ziring, L., *Pakistan, at the crosscurrent of history*, 2003, pp. 259-348.

<sup>(46)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 30-32; Lieven, A., *Pakistan, a hard country*, 2011, pp. 3-83, pp. 405-477; Ahmed, Rashid, *Pakistan on the Brink*, 2013, pp. 1-256.

<sup>(47)</sup> Encyclopedia Universalis France, *Pakistan*, 2015, pp. 30-32; Lieven, A., *Pakistan, a hard country*, 2011, pp. 3-83, pp. 405-477; Ahmed, Rashid, *Pakistan on the Brink*, 2013, pp. 1-256.

<sup>(48)</sup> Washington Post (The), *Nawaz Sharif is formally elected prime minister of Pakistan*, 5 June 2013.

<sup>(49)</sup> Reuters, *Peace Talks between Pakistan and Taliban collapse after killings*, 17 February 2014.

<sup>(50)</sup> BBC, *Pakistan School Attack: PM Sharif vows to end 'terrorism'*, 17 December 2014.

<sup>(51)</sup> RFE/RL, *Pakistan Military Says five Militants, One Soldier Killed in Clash*, 20 February 2015.

## 1.4 State structure and political landscape

### 1.4.1 Parliament, government and administration

#### Constitution

The 1973 Constitution declared Pakistan a federal republic, recognising Islam as the religion of the state<sup>(52)</sup>. It established a parliamentary system of government with the President as the head of state and the Prime Minister as the head of government. The Parliament is bicameral, consisting of the Senate and the National Assembly<sup>(53)</sup>. The 1973 Constitution has so far been amended 21 times<sup>(54)</sup>.

The 18<sup>th</sup> Amendment to the Constitution, passed in April 2010, removed most of the constitutional changes introduced during military regimes and formally changed the name of the North West Frontier Province to Khyber Pakhtunkhwa and granted provinces greater autonomy<sup>(55)</sup>.

#### Executive branch

##### *The President*

According to the 1973 Constitution the President is the head of state. A person who is a Muslim, not less than 45 years of age who is qualified to be elected as a member of the National Assembly can become a candidate in the presidential election. The President is chosen by secret ballot through an electoral college comprising the members of the Senate, National Assembly and the Provincial Assemblies. The President is elected for a term of five years and can be re-elected, subject to a maximum of two terms. The President is authorised to appoint the Attorney General, judges of the Supreme Court and High Courts and the Chief Election Commissioners.

The President can be removed on grounds of physical or mental incapacity and can be impeached on charges of violating the Constitution or of gross misconduct. In case of removal or impeachment, a majority of either House of Parliament is necessary to give written notice to do so. If the resolution is passed by no less than two-thirds of Parliament, the President ceases to hold office immediately<sup>(56)</sup>.

The 18<sup>th</sup> Amendment of the Constitution removed the power of the President to dissolve Parliament, transferring key executive powers, such as appointing military leaders and judges to the Prime Minister and the Parliament<sup>(57)</sup>.

##### *The Prime Minister and the Federal Cabinet*

The Prime Minister is appointed by the President from the members of the National Assembly and has to demonstrate majority support in the House. He/she is assisted by the Federal Cabinet, members of which are appointed by the President on the advice of the Prime Minister. The Federal Cabinet comprises the ministers, ministers of state and advisers and is also collectively responsible to the Assembly<sup>(58)</sup>.

For the full list of federal ministers, ministers of state, advisers and special assistants to the Prime Minister see the website of the Ministry of Information, Broadcasting and Heritage<sup>(59)</sup>.

<sup>(52)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 1.

<sup>(53)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 13.

<sup>(54)</sup> Pakistan, *Constitution (Twenty-First Amendment) Act, 2015*; CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 1.

<sup>(55)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 1.

<sup>(56)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, pp. 1, 3.

<sup>(57)</sup> RFE/RL, *Pakistan's Constitutional Reform Introduces Sweeping Changes*, 19 April 2010; Guardian (The), *Pakistan's constitutional reform debate overshadowed by amnesty row*, 2 April 2010.

<sup>(58)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 1; National Assembly of Pakistan [website], n.d.

<sup>(59)</sup> Ministry of Information, Broadcasting and Heritage, *Federal Cabinet*, n.d.

According to the 18<sup>th</sup> Amendment to the Constitution, the total size of the Federal Cabinet, including ministers of state, shall not exceed 11 % of the total membership of the Parliament. After the enforcement of this amendment, the size of the Federal Cabinet has been maximised to 49 members, as the total membership of Parliament is maximally 446 (342 Members of National Assembly and 104 Senators) <sup>(60)</sup>.

The Prime Minister can be removed from office by a vote of no-confidence by not less than 20 % of the total membership of the National Assembly. If the resolution is passed by the majority of the total membership of the National Assembly, the Prime Minister immediately relinquishes power <sup>(61)</sup>.

### Legislative branch

The Parliament of Pakistan (officially called *Majlis-i-Shoora*) consists of the National Assembly (lower house) and the Senate (upper house) <sup>(62)</sup>.

#### *The National Assembly*

Members of the National Assembly are elected by universal adult suffrage (over 18 years of age in Pakistan) and serve for five years, unless they die or resign earlier, or if the National Assembly is dissolved. The National Assembly has 342 seats, 272 of which are elected on a first-past-the-post basis, meaning the candidate who gains the major number of votes in a single constituency is elected member of the National Assembly. Sixty of the 70 remaining seats are reserved for women, of which 10 are for non-Muslim minorities, allocated by proportional representation among parties with more than 5 % of the vote <sup>(63)</sup>.

Seats are allocated to each of the four provinces, the Federally Administered Tribal Areas, and Islamabad Capital Territory on the basis of population <sup>(64)</sup>.

#### *The Senate*

The main purpose of the creation of the Senate in 1973 was to balance the inequality in the National Assembly and give equal representation to all the federating units <sup>(65)</sup>.

Members of the Senate are elected by the members of their respective Provincial Assemblies; it has representatives from the FATA and ICT as well <sup>(66)</sup>.

The Senate has 104 members with a term of six years, although half of its membership is renewed every three years <sup>(67)</sup>. According to the Constitution, the Chairman of the Senate is next in line to act as President should the office become vacant and until a new President can be formally elected <sup>(68)</sup>.

Both the Senate and the National Assembly can initiate and pass legislation except for finance bills <sup>(69)</sup>. The National Assembly enjoys exclusive powers to consider financial bills including the annual budget <sup>(70)</sup>.

For more information about the composition of the National Assembly and Senate, see section [1.4.5 Electoral system](#).

## 1.4.2 Federalism

Pakistan has been a federation since its independence in 1947, due to historical legacies of British India and geo-political exigencies between independence and 1971, alongside distinct ethno-regional identities <sup>(71)</sup>.

<sup>(60)</sup> Dawn, *18th amendment limits cabinet size*, 15 May 2013.

<sup>(61)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 3.

<sup>(62)</sup> IPU, *Pakistan – National Assembly*, n.d.

<sup>(63)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 2.

<sup>(64)</sup> National Assembly of Pakistan [website], n.d.

<sup>(65)</sup> Senate of Pakistan [website], n.d.

<sup>(66)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 2.

<sup>(67)</sup> IPU, *Pakistan – Senate*, updated: 12 March 2015

<sup>(68)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 2.

<sup>(69)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 2.

<sup>(70)</sup> National Assembly of Pakistan [website], n.d.

<sup>(71)</sup> Waseem, M., *Federalism in Pakistan*, August 2010, p. 4.

Relations between the federation and provinces are defined in Part V (Articles 141-159) of the Constitution of Pakistan (72). After the signing of the 18<sup>th</sup> Amendment to the Constitution, providing for a well-defined division of responsibilities between federal and provincial governments, most of the services in sectors such as health, education, agriculture and roads were to be provided by the latter (73).

### Provinces

Each province has a Governor, a Council of Ministers headed by a Chief Minister who elected by the Provincial Assembly and appointed by the Governor. Members of the provincial assemblies are elected by universal adult suffrage (74).

The four Provincial Assemblies are directly elected with a membership of 371 in Punjab, 164 in Sindh, 124 in Khyber Pakhtunkhwa and 51 in Balochistan. Each assembly has seats reserved for women and religious minorities (75).

With elected councils, the local government system (established below each province by the Local Government Ordinance of 2001) (76) is based on the federated structures of the three-tier system of district (*zila*), *tehsil* and union councils (77).

### Tribal areas

Pakistan's north-western territories are characterised by different administrative and legal regimes than the other regions of Pakistan. They are administratively divided into regions called the 'Political Agencies' and the 'Frontier Regions' and are collectively referred to as the FATA and the separately governed 'Provincially Administered Tribal Areas' (PATA) (78).

#### **Federally Administered Tribal Areas (FATA)**

Geographically, FATA borders Khyber Pakhtunkhwa to its north and east, Afghanistan to the west and Balochistan to the south (79). Article 246 of the Constitution names the tribal agencies and frontier regions that make up the FATA (80).

According to the Constitution, FATA is included among the territories of Pakistan and is represented in the National Assembly and the Senate, but remains under the direct executive authority of the President (81). The President of Pakistan is the Chief Executive of FATA and administers it through the Governor of KP as his agent (82). FATA continues to be governed primarily through the Frontier Crimes Regulation 1901, under the overall supervision of the Ministry of States and Frontier Regions in Islamabad (83). Acts of Parliament cannot be enforced in FATA unless specially directed by the President. The jurisdictions of the Supreme Court and the High Courts have been barred as well (84).

Before the year 2002, decisions related to development planning in tribal areas were taken by the FATA section of the KP Planning and Development Department. In 2002 the FATA Secretariat was established, headed by the Secretary FATA. In 2006, the Civil Secretariat of FATA was established to take over decision-making functions, with an additional Chief Secretary, four secretaries and a number of directors (85).

Tribal agencies are administered by Political Agents, who are assisted by a number of Assistant Political Agents, *Tehsildars* (administrative head of a *tehsil*) and *Naib Tehsildars* (deputy *tehsildars*), as well as members from various

(72) Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

(73) CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 6.

(74) CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 6.

(75) CLGF, *The Local Government System in Pakistan, 2011-2012*, p. 152.

(76) Arif, S., et al., *The Local Government System in Pakistan: Citizens Perceptions and Preferences*, IDG Working Paper No. 2010-02, January 2010, p. 2.

(77) CLGF, *The Local Government System in Pakistan, 2011-2012*, p. 153.

(78) Siddique, O., *The Other Pakistan: Special Laws, Diminished Citizenship and the Gathering Storm*, 5 December 2012, p. 5.

(79) Siddique, O., *The Other Pakistan: Special Laws, Diminished Citizenship and the Gathering Storm*, 5 December 2012, p. 7.

(80) Bajaur Agency, Orakzai Agency, Mohmand Agency, Khyber Agency, Kurram Agency, North Waziristan Agency, South Waziristan Agency, Tribal Areas adjoining Peshawar district, Tribal Areas adjoining Kohat district, Tribal Areas adjoining Bannu district, Tribal Areas adjoining Lakki Marwat District, Tribal Areas adjoining Ismail Khan district and Tribal Areas adjoining Tank District. Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

(81) FATA [website], n.d.

(82) Siddique, O., *The Other Pakistan: Special Laws, Diminished Citizenship and the Gathering Storm*, 5 December 2012, p. 7.

(83) FATA [website], n.d.

(84) Siddique, O., *The Other Pakistan: Special Laws, Diminished Citizenship and the Gathering Storm*, 5 December 2012, p. 7.

(85) FATA [website], n.d.

local police (*khassadars*) and security forces (levies, scouts). The Political Agent oversees the working of line departments and service providers and is responsible for handling inter-tribal disputes over boundaries or use of natural resources. Frontier Regions are administered by Deputy Commissioners of the respective settled districts, who exercise the same powers as the Political Agent does in a tribal agency <sup>(86)</sup>.

Tribes regulate their own affairs under customary rules and unwritten codes, which are characterised by collective responsibility for the actions of individual tribesmen and territorial responsibility for the area under their control. The government functions through *Maliks* (representatives of tribes) and *Lungi*-holders (representatives of sub-tribes or clans), who are influential members of their respective clan or tribe <sup>(87)</sup>.

The system of power devolution introduced elsewhere in the country by the Local Government Ordinance of 2001 (see above) has not been extended to the tribal areas <sup>(88)</sup>.

### **Provincially Administered Tribal Areas (PATA)**

The areas constituting the Provincially Administered Tribal Areas are situated in the provinces of Khyber Pakhtunkhwa and Balochistan <sup>(89)</sup>.

According to Article 246 of the Constitution of Pakistan, areas of PATA include districts of Chitral, Dir and Swat (which includes Kalam), Tribal Area in Kohistan district, Malakand Protected Area Tribal Area adjoining Mansehra district, former State of Amb districts of Zhob and Loralai (excluding Duki Tehsil), Dalbandis Tehsil of Chagai District and Marri and Bugti tribal territories of Sibi district <sup>(90)</sup>.

Citizens in PATA, as in other districts of Khyber Pakhtunkhwa, directly elect representatives to the national and provincial assemblies, and the region falls under the jurisdiction of Khyber Pakhtunkhwa's provincial government <sup>(91)</sup>. However, according to Article 247 of the Constitution, laws passed by the federal or provincial legislature have no effect in PATA unless the governor of Khyber Pakhtunkhwa, with the approval of the President, so directs <sup>(92)</sup>.

A parliamentary act in 1974 extended the higher judiciary's jurisdiction to PATA, while FATA still lacks a formal justice system <sup>(93)</sup>.

### **Gilgit-Baltistan and Azad Kashmir**

Gilgit-Baltistan (formerly known as the 'Northern Areas') and Azad Jammu & Kashmir (AJK, also Azad Kashmir or 'Free Kashmir') form the part of Kashmir that is located on the Pakistani side of the Line of Control drawn between Pakistan and India <sup>(94)</sup>. Pakistan never formally incorporated either territory <sup>(95)</sup>.

The political systems of Gilgit-Baltistan, AJK and FATA are different from those of the rest of Pakistan and apart from FATA these territories have no representation in the national Parliament <sup>(96)</sup>.

Azad Kashmir is governed by an interim constitution, an elected unicameral assembly, a Prime Minister, and a President elected by the Assembly <sup>(97)</sup>. The President serves as head of state, while the Prime Minister is the chief executive <sup>(98)</sup>. Both the President and Assembly members are elected for five-year terms <sup>(99)</sup>.

<sup>(86)</sup> FATA [website], n.d.

<sup>(87)</sup> FATA [website], n.d.

<sup>(88)</sup> FATA [website], n.d.

<sup>(89)</sup> Siddique, O., *The Other Pakistan: Special Laws, Diminished Citizenship and the Gathering Storm*, 5 December 2012, p. 7.

<sup>(90)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

<sup>(91)</sup> ICG, *Pakistan: Countering Militancy in PATA*, Asia Report No. 242, 15 January 2013, p. 3.

<sup>(92)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

<sup>(93)</sup> ICG, *Pakistan: Countering Militancy in PATA*, Asia Report No. 242, 15 January 2013, p. 3.

<sup>(94)</sup> Auswärtiges Amt, *Pakistan: Staatsaufbau/Innenpolitik*, April 2015.

<sup>(95)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(96)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(97)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(98)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(99)</sup> US DOS, *Country Reports on Human Rights Practices for 2013, Pakistan*, 27 February 2014.

Of the assembly's 49 seats, 41 are filled through direct elections while eight are reserved (five for women and one each for representatives of overseas Kashmiris, technocrats and religious leaders) <sup>(100)</sup>.

The Kashmir Council, consisting of federal officials and Kashmiri assembly members, also holds some executive, legislative, and judicial powers <sup>(101)</sup>, such as the authority to appoint high court judges and the Chief Election Commissioner <sup>(102)</sup>.

Gilgit-Baltistan was originally governed under the Frontier Crimes Regulation of 1901 and the Legal Framework Order of 1994, but these were replaced in 2009 by the Gilgit-Baltistan Empowerment and Self-Governance Order (GBESGO) <sup>(103)</sup>.

The political structure established by the GBESGO includes a 33-member assembly and the 15-member Gilgit-Baltistan Council (GBC), headed by the Pakistani Prime Minister and vice-chaired by a federally appointed governor. The assembly has 24 directly elected members, six seats reserved for women and three seats reserved for technocrats. The GBC consists of six members of assembly and nine Pakistani Parliament members appointed by the governor <sup>(104)</sup>.

### 1.4.3 Judiciary

Pakistan's legal system is based on a common law system with Islamic law influence <sup>(105)</sup>. The status of Islamic law is guaranteed by the Constitution, which requires that legislation is in compliance with Islam <sup>(106)</sup>.

According to Part VII of the Constitution the judicial system comprises the Supreme Court, a High Court for each province and Islamabad and a Federal Shariat Court <sup>(107)</sup>.

The Supreme Court is the highest court in Pakistan and its decisions are binding over all other courts <sup>(108)</sup>. The Chief Justice and other judges of the Supreme Court are appointed by the President with their number determined by an act of Parliament and can remain in office until the age of 65 <sup>(109)</sup>.

Pakistan has five High Courts, each consisting of a Chief Justice and a number of other judges determined by their respective provincial law. The High Courts serve as appellate courts in a number of civil and criminal matters, except for crimes that fall specifically under the appellate jurisdiction of the Federal Shariat Court <sup>(110)</sup>.

The Federal Shariat Court consists of eight Muslim judges including the Chief Justice <sup>(111)</sup> with not more than three of them being *Ulema*, that is, well-versed in Islamic law <sup>(112)</sup>.

The Court, on its own initiative or upon petition by a citizen or a government (federal or provincial), may examine and decide whether any law is 'repugnant to the injunctions of Islam'. It also exercises appellate and revisional jurisdiction over the lower courts deciding *Hudood* cases <sup>(113)</sup>. The decisions of the Federal Shariat Court can be appealed to the Shariat Appellate Bench of the Supreme Court <sup>(114)</sup>.

District or other courts below the High Courts lie within the competence of the provinces and other administrative units with administrative and judicial supervision exercised by the respective High Courts <sup>(115)</sup>.

<sup>(100)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(101)</sup> US DOS, *Country Reports on Human Rights Practices for 2013, Pakistan*, 27 February 2014, Section 3.

<sup>(102)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(103)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(104)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(105)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(106)</sup> UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan [A/HRC/23/43/Add.2]*, 4 April 2013, p. 5.

<sup>(107)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

<sup>(108)</sup> UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan [A/HRC/23/43/Add.2]*, 4 April 2013, p. 7.

<sup>(109)</sup> Ministry of Information, Broadcasting and Heritage, *Judiciary*, n.d.; Hussain, F., *The Judicial System of Pakistan*, 15 February 2011, p. 14.

<sup>(110)</sup> UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan [A/HRC/23/43/Add.2]*, 4 April 2013, p. 7.

<sup>(111)</sup> Hussain, F., *The Judicial System of Pakistan*, 15 February 2011, p. 19.

<sup>(112)</sup> UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan [A/HRC/23/43/Add.2]*, 4 April 2013, p. 8.

<sup>(113)</sup> Hussain, F., *The Judicial System of Pakistan*, 15 February 2011, pp. 19-20.

<sup>(114)</sup> UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan [A/HRC/23/43/Add.2]*, 4 April 2013, p. 8.

<sup>(115)</sup> UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan [A/HRC/23/43/Add.2]*, 4 April 2013, p. 8.

In addition, other special courts/tribunals were also established to deal with specific subjects under the administrative control of the Federal Government, such as Special Courts (Control of Narcotics Substances), Banking Courts (Recovery Loans), Special Courts (Offences in Banks), Special Courts (Customs, Taxation & Anti-Smuggling), Income Tax Appellate Tribunal, Environment Appellate Tribunal, Insurance Appellate Tribunal, Customs, Excise & Sales Tax Appellate Tribunal, Special Judges (Central), Drugs Courts, Anti-Terrorism Courts, Accountability Courts<sup>(116)</sup>.

The jurisdiction of the Supreme Court and the High Courts does not extend to areas that operate under separate judicial systems<sup>(117)</sup> (e.g. Azad Kashmir or Gilgit-Baltistan).

The FATA is also governed outside the jurisdiction of the Supreme Court and Parliament, under the Frontier Crimes Regulation (FCR), which authorises tribal leaders to administer justice according to Sharia and tribal custom<sup>(118)</sup>. However, residents of tribal areas may approach the Supreme Court of Pakistan and the Peshawar High Court with a constitutional writ challenging a decision issued under the FCR<sup>(119)</sup>.

Even though the Supreme Court declared that *jirgas* and *panchayats* are unlawful assemblies and that their decisions have no legal validity, such council meetings have been held by community or tribal leaders, settling feuds and imposing tribal penalties, including fines, imprisonment or even, at times, the death penalty<sup>(120)</sup>.

## 1.4.4 Security forces

### Armed forces

The armed forces are responsible for Pakistan's external security<sup>(121)</sup>.

Pakistani Armed Forces comprise the Pakistan Army (including the National Guard), the Pakistan Navy (including Marines and Maritime Security Agency) and the Pakistan Air Force. The age for voluntary military service is 17-23 years, but soldiers cannot be deployed for combat until the age of 18<sup>(122)</sup>.

The total strength of Pakistan's armed forces was recorded in 2012 at 590 000 (520 000 Army; 45 000 Air Force and 25 000 Navy personnel), with 500 000 reservists<sup>(123)</sup>.

### Paramilitary forces

Five paramilitary organisations are listed under the Ministry of the Interior: the Pakistan Rangers in Sindh and Punjab, the Frontier Corps in Khyber Pakhtunkhwa and Balochistan, the Frontier Constabulary, the Northern Areas Scouts in Gilgit-Baltistan and the Pakistan Maritime Security Agency<sup>(124)</sup>.

The Rangers in Sindh and Punjab have to secure Pakistan's border with India and assist when requested by respective provincial governments to maintain law and order. They are especially active in Karachi<sup>(125)</sup>.

The Frontier Corps in Khyber Pakhtunkhwa and Balochistan monitor and obstruct smuggling along Pakistan's borders with Afghanistan and Iran and are involved in counterterrorism and counterinsurgency operations, especially in FATA<sup>(126)</sup>.

The Frontier Constabulary operates mostly in KP, FATA and Islamabad but can be deployed anywhere in Pakistan by the Ministry of the Interior<sup>(127)</sup>.

<sup>(116)</sup> Hussain, F., *The Judicial System of Pakistan*, 15 February 2011, pp. 21-22.

<sup>(117)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(118)</sup> Freedom House, *Freedom in the World 2015 - Pakistan*, n.d.

<sup>(119)</sup> FATA [website], n.d.

<sup>(120)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan, 25 June 2015*; UN HRC, *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum: Mission to Pakistan*[A/HRC/23/43/Add.2], 4 April 2013, p. 17.

<sup>(121)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(122)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(123)</sup> UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013, p. 53, source: Jane's: *Armed Forces*, 18 May 2012.

<sup>(124)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, p. 4.

<sup>(125)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, p. 16.

<sup>(126)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, p. 16.

<sup>(127)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, p. 16.

The Northern Areas Scouts secures areas that border Gilgit-Baltistan and the Pakistan Maritime Security Agency (Pakistan Coast Guards) operates in the coastal areas of Sindh and Balochistan Provinces <sup>(128)</sup>.

### Intelligence services

There are three main intelligence agencies operating in Pakistan: the Inter-Services Intelligence (ISI), characterised as 'semi-military'; the Military Intelligence, which is a military institution and the Intelligence Bureau operating as a civilian agency <sup>(129)</sup>.

The ISI is tasked with coordinating intelligence between the branches of the military, collecting foreign and domestic intelligence and conducting covert offensive operations. It is well-known for its role in the Afghan conflict through its support of the mujahedeen and later the Taliban, as well as for its involvement in the Kashmir conflict <sup>(130)</sup>. See also section 2.1.2 Actors – Security Forces.

### Police

There are two sets of law enforcement organisations in Pakistan: those operating under the federal government with cross-provincial jurisdiction throughout Pakistan and the provincial police organisations <sup>(131)</sup>.

Islamabad Police, the National Police Bureau, the National Police Management Board, the National Police Foundation, the National Public Safety Commission and the National Counter-Terrorism Authority are under the direct control of the Ministry of the Interior. Other federal organisations under the direction of different ministries include the National Highways and Motorway Police (under the Ministry of Communications), the Pakistan Railways Police (under the Ministry of Railways), the Airport Security Force (under the Ministry of Defence) and the Anti-Narcotics Force (under the Ministry of Narcotics Control) <sup>(132)</sup>.

The provincial police organisations have similar characteristics and structures <sup>(133)</sup>, although police effectiveness can vary greatly by district, ranging from reasonably good to ineffective <sup>(134)</sup>.

## 1.4.5 Elections

### Regulations

The most significant laws regulating the electoral process in Pakistan are the following:

The Representation of People Act of 1976 (ROPA), the Representation of the People (Conduct of Election) Rules of 1977, the Electoral Rolls Act of 1977, the Electoral Rolls Rules of 1974, the Delimitation of Constituencies Act of 1974, the Election Commission Order of 2002, the Conduct of General Elections Order of 2002, the Political Parties Order of 2002, the Political Parties Rules of 2002, the Allocation of Symbols Order of 2002, the National Assembly and Provincial Assemblies Allocation of Reserved seats for Women and Non-Muslims Rules of 2002. Certain provisions of the Penal Code of 1860, the Code of Criminal Procedure of 1898 and the Code of Civil Procedure of 1908 could also be considered relevant <sup>(135)</sup>.

The Election Commission of Pakistan (ECP) is an independent body with wide-reaching responsibilities and powers <sup>(136)</sup> including the responsibility of administrating the general electoral process in Pakistan <sup>(137)</sup>.

<sup>(128)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, p. 16.

<sup>(129)</sup> Carnegie Endowment for International Peace, *Reforming the Intelligence Agencies in Pakistan's Transitional Democracy*, 6 March 2009, p. 14.

<sup>(130)</sup> Carnegie Endowment for International Peace, *Reforming the Intelligence Agencies in Pakistan's Transitional Democracy*, 6 March 2009, p. 15.

<sup>(131)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, p. 4; HRCP/Commonwealth Human Rights Initiative, *Police Organisations in Pakistan*, May 2010, pp. 9-10.

<sup>(132)</sup> USIP, *Reforming Pakistan's Police and Law Enforcement Infrastructure*, February 2011, pp. 4-5.

<sup>(133)</sup> HRCP/Commonwealth Human Rights Initiative, *Police Organisations in Pakistan*, May 2010, pp. 9-10.

<sup>(134)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(135)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 11.

<sup>(136)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 14.

<sup>(137)</sup> ECP (Election Commission of Pakistan) [website], n.d.

Eligibility criteria for being included on the electoral roll, and therefore to be able to vote, are to be a citizen of Pakistan, to be at least 18 years old, to have a National Identification Card issued by NADRA and to be a resident of the electoral area (with no minimum time required). A further criterion requires the individual not to be declared by a competent court to be of unsound mind <sup>(138)</sup>.

According to the Constitution and the ROPA, any citizen who is at least 25 years old and enrolled as a voter anywhere in Pakistan or anywhere in a province can contest a seat in the National Assembly or in the respective Provincial Assembly. The provision that required candidates to hold a university degree was struck down by the Supreme Court in 2008, thereby allowing more citizens to stand <sup>(139)</sup>.

## Electoral system

### President

The President of Pakistan is elected indirectly for a five-year term by the Electoral College comprising members of the Senate, National Assembly and Provincial Assemblies <sup>(140)</sup>.

Mamnoon Hussain succeeded Asif Ali Zardari as President of Pakistan on 9 September 2013. He won the now 'largely ceremonial post' representing PML-N. He defeated former Supreme Court judge Wajihuddin Ahmad of the Pakistan Tehrik-i-Insaf (PTI) in the vote, which was boycotted by the main opposition Pakistan People's Party (PPP). PPP's candidate, Raza Rabbani, withdrew his nomination days before the polls, saying he had not been given enough time to campaign <sup>(141)</sup>.

### Prime Minister

The Prime Minister is appointed by the President from among the members of the National Assembly and has to demonstrate majority support in the House <sup>(142)</sup>. In 2013, PML-N Chief Nawaz Sharif was elected Prime Minister for a third time, having secured 244 votes out of total house membership of 342. Previously, a restriction barred any candidate from holding public office for more than two terms <sup>(143)</sup>.

PML-N secured the largest number of seats in the National Assembly election held in May 2013. Therefore, Nawaz Sharif's party leads the coalition government that includes the Jamiat Ulema-e-Islam (Fazl) (JUI-F), the Pakistan Muslim League (Functional) (PML-F) and the National People's Party (NPP) <sup>(144)</sup>.

### Senate

As mentioned in section 1.4.1 [The National Assembly](#), the members of Senate (104 in total) are elected by the Provincial Assemblies for a term of six years. Twenty-three members are elected by each Provincial Assembly, including 14 Senators on general seats, four technocrats (including *Ulema*), four women and one seat reserved for non-Muslims. Eight Senate members are elected from the FATA, while four members (two on general seats, one woman and one technocrat (including Aalim) are elected from the Federal Capital <sup>(145)</sup>.

The six-year term of 52 Senators expired on 11 March 2015; elections were held on 5 March <sup>(146)</sup>. Four members, two each of PPP and Muttahida Qaumi Movement (MQM) were elected unopposed and polls for four seats in the FATA were postponed due to legal and constitutional complications <sup>(147)</sup>. PPP currently holds a majority in the Senate with 27 seats, PML-N is the second-largest party with 26 seats, while PTI has six seats <sup>(148)</sup>.

<sup>(138)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 18.

<sup>(139)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 21.

<sup>(140)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(141)</sup> BBC, *Profile: Pakistani President Mamnoon Hussain*, 9 September 2013.

<sup>(142)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 1.

<sup>(143)</sup> News International (The), *Nawaz Sharif elected PM securing 244 votes*, 5 June 2013.

<sup>(144)</sup> EIU, *Pakistan: Political Structure*, updated 2 April 2015.

<sup>(145)</sup> Senate of Pakistan [website], n.d.

<sup>(146)</sup> Geo TV, *PTI makes debut, PML-N gains strength in Senate polls*, 6 March 2015.

<sup>(147)</sup> Dunya News, *Senate Elections 2015: PML-N, PPP almost get equal representation in upper house*, 6 March 2015.

<sup>(148)</sup> Dunya News, *Senate Elections 2015: PML-N, PPP almost get equal representation in upper house*, 6 March 2015.

### **National Assembly**

As explained in section 1.4.1 [The National Assembly](#), members of the National Assembly are elected by universal adult suffrage and serve for five years. The National Assembly has 342 seats <sup>(149)</sup>. The political composition of the National Assembly is available on its website <sup>(150)</sup>.

### **Provincial Assembly**

The electoral system for the general seats in the Provincial Assemblies is also based on simple majority. Seats reserved for women and non-Muslims are also filled through a proportional system with closed party lists <sup>(151)</sup>.

In the Provincial Assembly of Balochistan the majority of seats (22) belong to PML-N <sup>(152)</sup>. Nawaz Sharif's party also has the majority in the Provincial Assembly in Punjab (310) <sup>(153)</sup>. As regards Sindh, the majority of seats in the Provincial Assembly belong to PPP (91), followed by MQM (51) <sup>(154)</sup>. PTI won the majority in the Provincial Assembly of Khyber Pakhtunkhwa (56), followed by JUI-F (17) <sup>(155)</sup>.

In the AJK's Legislative Assembly 41 seats are filled through direct elections (29 with constituencies based in the territory and 12 representing Kashmiri migrants throughout Pakistan) and another eight are reserved seats: five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders. In the 2011 legislative elections, the Azad Kashmir Peoples' Party, affiliated with Pakistan's then ruling PPP, won 20 of the 41 seats, followed by the PML-N with nine seats and the Muslim Conference party with five <sup>(156)</sup>.

In the 2009 elections for the Gilgit-Baltistan Legislative Assembly, the PPP won 12 of the 24 directly elected seats; 10 of the remainder were divided among four other parties and four independent candidates, while voting for two seats was postponed <sup>(157)</sup>.

### **Elections 2013**

On May 11, 2013 elections for the National Assembly and the four provincial assemblies took place in Pakistan marking the first time in the country's history when a democratically elected government completed its full term and was replaced by another through constitutionally mandated procedures. The voting resulted in the formation of a national government by the Pakistan Muslim League-Nawaz which took power on 1 June 2013 <sup>(158)</sup>.

The elections were held in a difficult security environment that affected voters, political parties, candidates, the election administration, observers and the media <sup>(159)</sup>. During the last four weeks of the campaign 130 security incidents were reported resulting in the death of more than 150 people <sup>(160)</sup>. Most of the attacks targeted candidates and supporters of parties identified as secular, in particular the Awami National Party (ANP) in Khyber Pakhtunkhwa and the MQM in Sindh <sup>(161)</sup>. Despite the high number of attacks, voter turnout was high (55 %) in comparison with the previous elections <sup>(162)</sup>.

Women remained underrepresented in all spheres of the electoral process and the participation of non-Muslims was minimal. Ahmadi continued to face discrimination and were registered on a separate electoral roll (see also section 3.4.2 [Ahmadiyya](#)) <sup>(163)</sup>.

<sup>(149)</sup> CIDOB, *International Yearbook 2012, Pakistan: Country Profile, Political System and State Structure of Pakistan*, 7 April 2012, p. 2.

<sup>(150)</sup> National Assembly of Pakistan [website], n.d.

<sup>(151)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 13.

<sup>(152)</sup> Provincial Assembly of Balochistan [website], n.d.

<sup>(153)</sup> Provincial Assembly of Punjab [website], n.d.

<sup>(154)</sup> Provincial Assembly of Sindh [website], n.d.

<sup>(155)</sup> Provincial Assembly of Khyber Pakhtunkhwa [website], n.d.

<sup>(156)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(157)</sup> Freedom House, *Freedom in the World 2014 - Pakistani Kashmir*, n.d.

<sup>(158)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d.

<sup>(159)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 3.

<sup>(160)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 4.

<sup>(161)</sup> EU EOM, *Islamic Republic of Pakistan - Final Report, General Elections 11 May 2013*, July 2013, p. 4.

<sup>(162)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d.

<sup>(163)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d.

### 1.4.6 Political parties

Pakistan has a thriving multiparty system<sup>(164)</sup>, mainly characterised by the competition between the Pakistan People’s Party and the Pakistan Muslim League-Nawaz, which shaped the political landscape after 1988<sup>(165)</sup>. Political parties continue to lack internal democracy and transparency and rely mostly on charismatic leadership by individual personalities or political dynasties<sup>(166)</sup>, such as the PPP linked to the Bhutto dynasty and the PML-N dominated by Nawaz Sharif and his family<sup>(167)</sup>.

#### Pakistan Muslim League-Nawaz (PML-N)

Pakistan Muslim League -Nawaz was formed in 1993 by then Prime Minister Nawaz Sharif as an offshoot of the Muslim League, Pakistan’s oldest and only major party at the time of independence<sup>(168)</sup>. The party’s electoral strength is in Punjab province<sup>(169)</sup>. The PML-N, which is considered centrist conservative, holds 183 seats in the National Assembly, won 33 % of the 2013 vote and leads the federal government and the government of Punjab<sup>(170)</sup>.

#### Pakistan People’s Party (PPP)

Pakistan People’s Party was founded in 1967 by former Prime Minister Zulfikar Ali Bhutto and is the largest political party of Pakistan. This party, which is considered democratic socialist, is home to many ‘secularists’ and has its main electoral base in Sindh. Since the death of Benazir Bhutto, the party has been led by Asif Ali Zardari and his son, Bilawal Bhutto Zardari. PPP holds 41 seats in the National Assembly and won 15 % of the 2013 vote<sup>(171)</sup>.

#### Pakistan Tehreek-e-Insaf (PTI, Pakistan Movement for Justice)

Pakistan Tehreek-e-Insaf was founded in 1996 by former cricket star Imran Khan, a vocal opponent of Pakistan’s counterterrorism cooperation with the United States and at times viewed as sympathetic toward Islamist militants. The centrist and nationalist party with a ‘vote-bank’ in KP won 17 % of the 2013 vote and currently holds 30 seats in the National Assembly<sup>(172)</sup>.

#### Muttahida Qaumi Movement (MQM)

Muttahida Qaumi Movement is a Sindhi regional party mainly composed of the descendants of Urdu-speaking immigrants (Muhajirs/Mohajirs) who had come to Pakistan from India at the time of partition<sup>(173)</sup>. It has roots in a student movement (All Pakistan Muhajir Student Organisation)<sup>(174)</sup> launched in 1978 to protect the Muhajirs from discrimination and repression following independence<sup>(175)</sup>. The MQM itself was founded in 1984 by Altaf Hussein. The party is secular and focused on provincial issues, with a strong base of support in Sindh, especially Karachi<sup>(176)</sup>. Sindhi politics became increasingly violent in the 1980s and the central government decided to launch a military operation to crack down on all armed groups, both political and criminal<sup>(177)</sup>. MQM chief Altaf Hussein fled Karachi ahead of military operations and has been leading the party from exile in London since 1992<sup>(178)</sup>, while it became increasingly militarised and was accused of involvement in criminal activities<sup>(179)</sup>. The MQM holds 23 seats in the National Assembly and won 5 % of the 2013 vote<sup>(180)</sup>.

<sup>(164)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d.

<sup>(165)</sup> Bertelsmann Foundation, BTI 2014, *Pakistan Country Report*, 2014, pp. 11-12.

<sup>(166)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d.

<sup>(167)</sup> Bertelsmann Foundation, BTI 2014, *Pakistan Country Report*, 2014, pp. 11-12.

<sup>(168)</sup> CRS, *Pakistan’s Scheduled 2008 Election: Background*, 24 January 2008 p. 4.

<sup>(169)</sup> Dawn, *Pakistan Muslim League-Nawaz (PML-N)*, 17 January 2012.

<sup>(170)</sup> CRS, *Pakistan’s Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(171)</sup> CRS, *Pakistan’s Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(172)</sup> CRS, *Pakistan’s Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(173)</sup> CRS, *Pakistan’s Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(174)</sup> RFI, *Muttahida Qaumi Movement – trying to broaden its appeal*, 28 April 2013.

<sup>(175)</sup> CRS, *Pakistan’s Scheduled 2008 Election: Background*, 24 January 2008, p. 10.

<sup>(176)</sup> CRS, *Pakistan’s Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(177)</sup> RFI, *Muttahida Qaumi Movement – trying to broaden its appeal*, 28 April 2013.

<sup>(178)</sup> CRS, *Pakistan’s Scheduled 2008 Election: Background*, 24 January 2008, p. 11.

<sup>(179)</sup> RFI, *Muttahida Qaumi Movement – trying to broaden its appeal*, 28 April 2013.

<sup>(180)</sup> CRS, *Pakistan’s Domestic Political Setting*, 19 February 2013, p. 2.

### Jamiat Ulema-e-Islam – Fazl-ur Rahman (JUI-F) (Assembly of Islamic Clerics)

Jamiat Ulema-e-Islam – Fazl-ur Rahman is a conservative Deobandi Islamist party led by cleric Fazl-ur Rehman since 1988. It has links with many Pakistani militant groups <sup>(181)</sup>. The party is popular in KP and the FATA and its organisational structure and support relies heavily on a large madrassa network <sup>(182)</sup>. The JUI-F holds 12 seats in the National Assembly and won 3 % of the 2013 vote <sup>(183)</sup>.

### Awami National Party (ANP)

Awami National Party (ANP) is a left-wing, secular, Pashtun-nationalist party ('awami' meaning 'people') <sup>(184)</sup>. The party was founded in 1986 <sup>(185)</sup> and has its political base in Khyber Pakhtunkhwa, while it enjoys considerable support in Karachi <sup>(186)</sup>.

### Pakistan Muslim League-Quaid-e-Azam (PML-Q)

The Pakistan Muslim League-Quaid-e-Azam traces its roots back to the Muslim League just as PML-N. After the 1997 election, political differences started to develop within PML-N, leading to the creation of a faction within the party. In 1999, when the PML-N government was toppled by the then Chief of Army Staff, Pervez Musharraf, a group of like-minded people split from the PML-N. PML-Q was founded in 2000 and vocally supported the military coup, becoming an integral part of Musharraf's government, earning it the nickname 'King's party' <sup>(187)</sup>.

## 1.5 Education

### 1.5.1 Literacy and enrolment

Pakistan is one of nine countries worldwide that has the largest number of children of primary school age who do not attend school (6.7 million out of a total of 21.1 million children (32 % in 2011-12) <sup>(188)</sup>. In 2011-12, on a national level Pakistan had a primary school enrolment rate of 68 %, with 73 % for boys and 63 % for girls <sup>(189)</sup>. This implies that one-fourth (2.9 million) of all boys and one-third (3.8 million) of all girls of primary school age are not attending school. The literacy rate (percentage of people age 15 and over who can read and write) is even lower: 57.9 % for the total population, 69.5 % of men and 45.8 % of women (2015 estimate) <sup>(190)</sup>. Youth literacy (15-24 years old) has slightly increased from 67.7 % in 2006-07 to 70 % in 2011-12 (mainly due to an increase in female literacy from 56.5 % in 2006-07 to 62 % in 2011-12) <sup>(191)</sup>.

There are large differences in school enrolment and literacy rates between provinces, location (urban vs. rural) and according to gender. The highest enrolment rate is in KP (81 %) followed by Punjab and ICT (70 %), Sindh and GB (63 %), FATA (60 %), AJK (58 %), and Balochistan (51 %). Wide discrepancies exist between boys and girls enrolled in primary schools per region. While nationwide, 63 % of the girls and 73 % of the boys were enrolled in primary school in 2011-12, in FATA, 38 % of the girls and 81 % of the boys are enrolled; however, in ICT, more girls are enrolled than boys (72 % and 68 % respectively) <sup>(192)</sup>.

As the Ministry of Education states in its National Plan of Action 2013:

<sup>(181)</sup> CRS, *Pakistan's Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(182)</sup> ICG, *Islamic Parties in Pakistan*, Asia Report No. 216, 12 December 2011, p. 10; CTC, *Militants Turn Against Pakistan's JUI-F Islamist Party*, 23 April 2012.

<sup>(183)</sup> CRS, *Pakistan's Domestic Political Setting*, 19 February 2013, p. 2.

<sup>(184)</sup> RFI, *Awami National Party - Pashtun party seeks national role*, 29 April 2013.

<sup>(185)</sup> Dawn, *Pakistan Profiles: Awami National Party (ANP)*, 17 January 2012.

<sup>(186)</sup> BBC, *Pakistan election: Taliban threats hamper secular campaign*, 5 April 2013.

<sup>(187)</sup> Dawn, *Pakistan Muslim League – Quaid*, 5 April 2013.

<sup>(188)</sup> UNESCO, *Paper prepared for Learning For All Ministerial Meeting Pakistan*, New York, September 2013; MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013.

<sup>(189)</sup> UNESCO, *Paper prepared for Learning For All Ministerial Meeting Pakistan*, New York, September 2013; MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013.

<sup>(190)</sup> CIA, *The World Factbook: Pakistan*, updated 13 May 2015.

<sup>(191)</sup> MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013, p. 9.

<sup>(192)</sup> MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013, p. 11.

*The most striking feature of Pakistan's education system is its inherent inequalities: it represents a distinct division as there are parallel streams of primary and secondary schooling, further divided across public and private arrangements, catering to different socioeconomic classes in the country* <sup>(193)</sup>.

National expenditure on education in 2013 was 2.5 % of GDP, which ranks Pakistan 164th out of 173 worldwide <sup>(194)</sup>. The government is dedicated to increasing its expenditure to 4 % of GDP in 2018 <sup>(195)</sup>.

### 1.5.2 Education system

The Pakistan public school system consists of 12 school years, starting from primary school and ending at Intermediate level or Higher Secondary School Certificate (HSSC) <sup>(196)</sup>.

The national curriculum was designed by the federal government before April 2010, but the adoption of the 18<sup>th</sup> constitutional amendment restored parliamentary democracy and transferred power on many issues, such as education, to provincial levels. Provincial governments now devise educational policy, planning, and curriculum according to their own priorities. The International Crisis Group (ICG) notices that this gives provinces options to 'encourage religious intolerance and legitimise violent extremism' <sup>(197)</sup>. The pre-2010 curriculum, designed under the military regime, contained 'falsification of historical facts and the political use of [Islamic] religion' <sup>(198)</sup>.

The National Plan of Action (2013-16) sees two key challenges to address education: 1) the lack of access to education/ the high drop-out rate (due to, among other reasons, shortage of schools and teachers, poverty and cultural norms), and 2) the poor quality of education (due to ill-trained teachers, outdated methods and textbooks, poor governance and political pressure). The Plan of Action foresees a wide range of measures at national and provincial levels, such as more schools and teachers, awareness campaigns, curriculum reforms, and enforcement of security and law, to meet these challenges <sup>(199)</sup>.

The language of instruction varies by region and social classes. After independence, the State imposed Urdu as the national language and the language of instruction, although a large part of the population was non-Urdu speaking. In 2012, regional languages were promoted in schools where these were the mother tongue of the majority of children, such as Pashtun or Sindhi. Higher class (elite) children are educated in English private schools, while the large majority of the poor attend public schools taught in Urdu, or private schools with poor command of English <sup>(200)</sup>. Proficiency in English is needed to succeed in higher education and higher-level jobs in Pakistan. Therefore, in 2014, the new government announced English as the instruction language from class one. However, the lack of English-speaking teachers is a significant challenge to its implementation <sup>(201)</sup>.

### 1.5.3 Institutes and organisations

Pakistan has 146 185 primary, 42 147 middle level, and 29 874 secondary schools. Of these, 75 % are public sector schools, 10 % private schools and the remaining non-formal basic education schools and *deeni madrassas* (religious schools) <sup>(202)</sup>.

Private-sector schools range from expensive elite to low-cost establishments. Among the institutions running these schools are religious organisations, non-profit or civil society institutions and international development organisations <sup>(203)</sup>.

<sup>(193)</sup> MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013, p. 9.

<sup>(194)</sup> CIA, *The World Factbook: Pakistan*, updated 13 May 2015.

<sup>(195)</sup> MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013, p. 6.

<sup>(196)</sup> MET&SHE, *Education for All 2015 National Review Report: Pakistan*, June 2014, p. 4.

<sup>(197)</sup> ICG, *Education Reform in Pakistan, Asia Report N°257*, 23 June 2014, p. 1.

<sup>(198)</sup> ICG, *Education Reform in Pakistan, Asia Report N°257*, 23 June 2014, p. 4.

<sup>(199)</sup> MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013, p. 23.

<sup>(200)</sup> ICG, *Education Reform in Pakistan, Asia Report N°257*, 23 June 2014, pp. 7-8.

<sup>(201)</sup> ICG, *Education Reform in Pakistan, Asia Report N°257*, 23 June 2014, p. 8.

<sup>(202)</sup> MET&SHE, *Education for All 2015 National Review Report: Pakistan*, June 2014, p. 5.

<sup>(203)</sup> ICG, *Education Reform in Pakistan, Asia Report N°257*, 23 June 2014, p. 22; MET&SHE, *National plan of action 2013-16: achieving universal primary education in Pakistan: MDG acceleration framework*, September 2013, pp. 9, 13.

Non-formal education basic and middle schools are, according to the Ministry of Education, very cost-effective, for example for out-of-school children in remote areas where formal schools are absent or to encourage children to attend formal schools <sup>(204)</sup>.

*Deeni madrassas*, the religious schools, are cost effective in promoting (religious) education and literacy, according to the Ministry of Education. *Madrassas serve 'poor, needy and deserving children of less-privileged urban settlements, rural and remote areas of the country. In most of the cases, Madaris provide food, clothes and shelter to deserving students'*. The curriculum of *madrassas* contains not only religious education but often also languages (Urdu and English), mathematics and 'General Science' <sup>(205)</sup>. However, the ICG cautions that the *madrassas 'fill the gaps of a dilapidated public education sector but contribute to religious extremism and sectarian violence'* <sup>(206)</sup>.

The Ahmadiyya community runs its own private schools due to discrimination and abuse within the public education system. In addition, they face discrimination in admission to higher educational institutions. They are generally better educated than the general population in Pakistan <sup>(207)</sup>.

## 1.6 Media and telecommunication

### 1.6.1 Media

Pakistan has a vibrant and to a large extent independent media landscape, despite political pressure or occasional direct bans <sup>(208)</sup>. Media demographics reflect Pakistan's multi-linguistic and multi-ethnic society with a clear divide between Urdu and English media. Urdu media is more popular in rural areas, while English media targets urban areas and the elite, and is more liberal in comparison <sup>(209)</sup>.

Pakistan's diverse media landscape includes 121 TV channels: six Pakistan Television (PTV) channels, 89 private channels, plus 26 foreign TV channels with landing rights), more than 500 regular dailies and over 800 periodicals, 138 commercial FM radio channels, 64 PBC (Pakistan Broadcasting Corporation) stations and 34 PBC-owned FM channels <sup>(210)</sup>. 10.90 % of the Pakistani population <sup>(211)</sup> uses the Internet <sup>(212)</sup> and among them there are about 11 million Facebook users, two million Twitter users and hundreds of thousands of bloggers <sup>(213)</sup>.

The Pakistani Constitution guarantees freedom of expression and media freedom <sup>(214)</sup>.

Broadcasting media are regulated by the Pakistan Electronic Media Regulatory Authority (PEMRA), whose members are appointed or approved by the government <sup>(215)</sup>. According to its website, PEMRA *'is responsible for facilitating and regulating the establishment and operation of all broadcast media and distribution services in Pakistan established for the purpose of international, national, provincial, district, and local or special target audiences'* <sup>(216)</sup>.

### Television

In the year 2002, Pakistan Television Corporation (PTV) had its state monopoly ended when the market for electronic media was liberalised. The private channels have been issued licences for cable or satellite only, meaning that PTV is the only channel that provides terrestrial services to the population. This favours PTV, since most of the rural population does not have access to alternative channels that broadcast via cable or satellite <sup>(217)</sup>.

<sup>(204)</sup> MET&SHE, *Education for All 2015 National Review Report: Pakistan*, June 2014, p. 5.

<sup>(205)</sup> MET&SHE, *Education for All 2015 National Review Report: Pakistan*, June 2014, p. 5.

<sup>(206)</sup> ICG, *Education Reform in Pakistan, Asia Report N°257*, 23 June 2014, Executive summary.

<sup>(207)</sup> Landinfo, *Temanotat Pakistan: Forhold for ahmadiyyaer*, 3 July 2014, pp. 20-21.

<sup>(208)</sup> IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, p. 6.

<sup>(209)</sup> IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, p. 14.

<sup>(210)</sup> News International (The), *Pakistan's media*, 2 April 2014.

<sup>(211)</sup> Pakistan's population was estimated at 196 174 380 as of July 2014. CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(212)</sup> ITU, *Pakistan Profile*, latest data available: 2013.

<sup>(213)</sup> News International (The), *Pakistan's media*, 2 April 2014.

<sup>(214)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973; IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, p. 17.

<sup>(215)</sup> Freedom House, *Freedom of the Press 2014 – Pakistan*, n.d.

<sup>(216)</sup> PEMRA [website], n.d.

<sup>(217)</sup> IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, p. 21.

According to its website, PTV operates the following channels: PTV Home, PTV News, PTV Sports, PTV World, PTV Global, PTV Bolan, PTV National and AJK TV <sup>(218)</sup>.

Independent Media Corporation, which also owns the influential Jang Group of Newspapers, broadcasts two of Pakistan's most popular TV channels, Geo TV and Geo News <sup>(219)</sup>. The company ARY Digital, founded by Pakistani businessman Abdul Razzak Yaqoob, owns a network of cable and satellite channels which include ARY Digital, ARY News and ARY Zauq <sup>(220)</sup>.

In October 2014, PEMRA suspended transmissions of private network ARY TV for 15 days. The TV channel was accused of ostensibly 'maligning' the country's judiciary after it aired an interview with a man currently the subject of a high-profile trial before the Lahore High Court. In June 2014, PEMRA suspended another one of the country's major TV channels, Geo TV. The 15-day ban was imposed after the channel accused a senior intelligence official of orchestrating the attempted killing of one of its journalists <sup>(221)</sup>.

Other popular channels include Express News, Dawn News, Aaj News, Business Plus, Channel Five, Dunya News, Indus News, Royal News, Samaa TV and Waqt News <sup>(222)</sup>. There are also several private regional television stations, such as Sindh TV/Sindh TV News in Karachi or Waseb TV in Multan <sup>(223)</sup>.

## Radio

Television has become the dominant source of news and information in cities and towns, but in many rural areas radio is still the major source of news and information. It plays a particularly important role in remote and underdeveloped areas, such as the region along the Afghan border, where the electricity supply is unreliable, cable TV is not available, and the signal of state-run PTV is often weak <sup>(224)</sup>.

Similar to television, radio was also a monopoly controlled by the state until the media liberalisation in 2002, when PEMRA opened up for private FM radio stations by selling licences to the highest bidder. Although this led to the emergence of more than 40 FM stations, the state-owned PBC still dominates radio in Pakistan. PBC's Radio Pakistan and FM 101 have by far the largest outreach with 31 stations that cover 80 % of Pakistani territory <sup>(225)</sup>.

In addition to its national networks, PBC operates the FM 93 chain of 22 local radio stations which broadcast a mixture of music, talk shows, interviews and special programmes for women, youths and farmers in 23 different languages <sup>(226)</sup>.

Radio Khyber, Radio Razmak and Radio Miran Shah are run by the FATA Secretariat, but there are also dozens of unofficial FM stations run by fundamentalist Islamist insurgent groups and their sympathisers <sup>(227)</sup>.

Hot FM is the largest private radio network in Pakistan. Other popular private radio stations include Awaz FM, FM 100, City FM 89, Radio One FM 91, FM 96 Sunrise Pakistan, HUM FM 106.2, Humara FM 90, Power Radio FM 99, Josh FM 99, Mast FM 103, Apna Karachi 107, Radioactive 96 FM, Ewaz FM <sup>(228)</sup>.

There are also international radio stations available in Pakistan: BBC and Voice of America both operate radio services in Urdu and Pashto (Radio Aapki Duniyaa, Deewa Radio) <sup>(229)</sup>.

<sup>(218)</sup> PTV [website], n.d.

<sup>(219)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 59.

<sup>(220)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, pp. 60-61.

<sup>(221)</sup> Al, Pakistan bans TV channel amid increased attempts to control freedom of expression, 20 October 2014.

<sup>(222)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, pp. 62-66.

<sup>(223)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 67.

<sup>(224)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 15.

<sup>(225)</sup> IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, p. 22.

<sup>(226)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 21.

<sup>(227)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 29.

<sup>(228)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, pp. 32-42.

<sup>(229)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, pp. 44-49.

## Print media

Dating back to pre-independence, print media is the oldest medium in Pakistan with a clear divide between Urdu and English language products <sup>(230)</sup>.

The major Urdu newspapers date back to a long time before Pakistan's independence and reach a broad national audience, while English newspapers can be read by just 11 % of the population. Urdu newspapers are more regionally focused than their English counterparts, which cover all four provinces with relative equality. While Urdu papers focus more on domestic news, English papers devote more attention to international affairs <sup>(231)</sup>.

The Jang Group, the Dawn Group and the Nawa-Waqt Group are the three major players in the print media market in Pakistan. The Jang Group of Newspapers is Pakistan's largest media group with a moderate conservative perspective. It publishes the Urdu language Daily Jang, The News International, Mag Weekly and Awam. The Dawn Group of Newspapers is Pakistan's second-largest media group, publishing Star, Herald and its flagship, Dawn. The Nawa-Waqt Group publishes Nawa-i-Waqt, an Urdu language daily newspaper with one of the largest readerships in the country and the English newspaper, The Nation, both being right-wing and conservative <sup>(232)</sup>.

Other major newspapers include [The Frontier Post](#), [Daily Ausaf](#), [Daily Times](#), [Pakistan Observer](#), [Business Recorder](#), [Pakistan & Gulf Economist](#) and [The Friday Times](#) <sup>(233)</sup>.

## News agencies

There are three large domestic news agencies in Pakistan: Associated Press of Pakistan, Pakistan Press International and United Press of Pakistan. The agencies provide news for other media outlets that lack their own resources for providing comprehensive nationwide coverage <sup>(234)</sup>.

## Social media

Social media is increasingly popular in Pakistan, particularly among young people <sup>(235)</sup>. The number of Facebook users is between 10.6-11.8 million; 7.4-8.2 million of them are men and 3.0-3.4 million are women. Half of the users of social networking sites are between the ages 18-24 <sup>(236)</sup>.

Although websites such as Facebook have become prominent tools for communication, their influence is restricted mostly to the urban populations of Pakistan. Further increase in users will continue to be limited due to low literacy rates and poor socioeconomic conditions in rural areas <sup>(237)</sup>.

## 1.6.2 Telecommunication

In 2008, Pakistan emerged as the world's third-fastest growing telecommunications market. The communications infrastructure in the country continues to improve as foreign and domestic companies invest in fixed-line and mobile networks, following the deregulation policy introduced in 2003 <sup>(238)</sup>.

The Pakistan Telecommunication Ordinance 1994 established the primary regulatory framework for the telecommunication industry, including the establishment of an authority. Under the Pakistan Telecommunications (Re-organization) Act 1996, Pakistan Telecommunication Authority (PTA) was established to regulate the establishment, operation and maintenance of telecommunication systems and the provision of telecom services <sup>(239)</sup>.

<sup>(230)</sup> IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, p. 20.

<sup>(231)</sup> Shah, H., 'The Inside Pages: An Analysis of the Pakistani Press, The Tongue-tied Press of Pakistan: Comparing English and Urdu Newspapers', 9 December 2010, pp. 1-2.

<sup>(232)</sup> IMS, *Between radicalisation and democratisation in an unfolding conflict: Media in Pakistan*, July 2009, pp. 20-21.

<sup>(233)</sup> BBC, *Pakistan profile – Media*, 11 September 2013.

<sup>(234)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 71.

<sup>(235)</sup> Yusuf, H. and Schoemaker, E., 'The media of Pakistan, Fostering inclusion in a fragile democracy?', September 2013, p. 17.

<sup>(236)</sup> Express Tribune (The), *Pakistan crosses 10 million Facebook users*, 25 September 2013.

<sup>(237)</sup> Foreign Policy, *Pakistan's social media landscape*, 18 March 2011.

<sup>(238)</sup> National (The), *Pakistan's telecoms market ripe for the picking*, 9 January 2014.

<sup>(239)</sup> PTA [website], n.d.

## Internet

Internet penetration in Pakistan stood at 10.9 % in 2013, according to the International Telecommunication Union, with 14.1 % of households having a computer <sup>(240)</sup>.

Pakistan Telecommunication Company Limited (PTCL) is the main fixed-line telephone operator and also the biggest provider of broadband Internet connections, controlling just over half the broadband market <sup>(241)</sup>.

The Internet Service Providers Association of Pakistan (ISPAK) was formed in 1997 to provide a common and united platform for all Internet Service Providers to negotiate with PTA, PTCL, the Ministry of Communications and other governmental and non-governmental organisations. ISPAK's membership includes Cyber Internet Services (Pvt.) Ltd; Nexlinx; Nayatel; Linkdotnet; Micronet Broadband; Comsats; Maxcom and Skynet <sup>(242)</sup>.

Internet content is regulated primarily under the Pakistan Penal Code, including sections 295-A, 295-C, 298 and 298-A, pertaining to blasphemy; the Anti-Terrorism Act; and the Defamation Ordinance (2002), which includes provisions on slander and libel. Internet and mobile content is monitored and regulated by the PTA <sup>(243)</sup>.

YouTube was blocked in September 2012 after clips from the anti-Islam film 'Innocence Of Muslims' were posted on the site. Authorities have said that the ban on the popular video-sharing website cannot be lifted until there is a mechanism to permanently block blasphemous content <sup>(244)</sup>.

According to an interdisciplinary laboratory based at the Munk Centre for International Studies at the University of Toronto, Canadian Netsweeper Internet filtering products have been installed to function at the national level in Pakistan. The technology is being implemented for purposes of political and social filtering, including websites of secessionist movements, sensitive religious topics and independent media <sup>(245)</sup>.

## Mobile communication

More than half of all Pakistani adults and adolescents own a mobile phone. Phones are widely used to keep families in touch with distant relatives or friends, and Pakistanis are also keen users of text messaging, even though only half of the population can read and write <sup>(246)</sup>.

Mobile companies operating in Pakistan include Mobilink (over 38 million subscribers), Telenor (over 36 million subscribers), Zong (over 27 million subscribers), Ufone (over 24 million subscribers) and Warid Telecom (over 13 million subscribers) <sup>(247)</sup>.

Article 54 of the Telecommunications (Re-organization) Act authorises the government to shut down telecoms systems without legal authorisation or court approval <sup>(248)</sup>.

In August 2014, the Interior Ministry ordered mobile phone services to be shut down in several parts of Islamabad for an indefinite period, just days ahead of anti-government marches led by Pakistan Tehreek-i-Insaf (PTI) Chairman, Imran Khan and Pakistan Awami Tehreek chief Tahirul Qadri <sup>(249)</sup>.

<sup>(240)</sup> ITU, *Pakistan Profile*, latest data available: 2013.

<sup>(241)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 93.

<sup>(242)</sup> IOM, *Returning to Pakistan, Country Information*, updated 4 January 2010, pp. 24-25.

<sup>(243)</sup> Open Society Foundations, *Mapping Digital Media: Pakistan*, 21 June 2013, p. 90.

<sup>(244)</sup> Economic Times (The), *Pakistani authorities say ban on YouTube can't be lifted*, 2 Aug 2013.

<sup>(245)</sup> Express Tribune (The), *Pakistan government using Netsweeper for internet filtering: Report*, 20 June 2013.

<sup>(246)</sup> Infoasaid, *Media & Telecoms Landscape Guide – Pakistan*, 2012, p. 92.

<sup>(247)</sup> PTA, *Annual Report 2013-2014*, updated: 5 January 2015, p. 81.

<sup>(248)</sup> Article 19, *Pakistan: Telecommunications (Re-organization) Act - Legal Analysis*, January 2012, p. 14.

<sup>(249)</sup> Dawn, *Mobile phone services being suspended in parts of Islamabad: PTA*, 12 August 2014.

## 1.7 Health Care

### 1.7.1 Overview

Private hospitals, clinics, diagnostic laboratories, and modern pharmacies have proliferated in Pakistan's increasingly commercialised health sector. Due to this commercialisation approach, health services for the poor <sup>(250)</sup> have become limited <sup>(251)</sup>. Most public medical institutions are short of qualified personnel, medication and medical supplies. The majority of Pakistanis resort to private healthcare <sup>(252)</sup>. Primary health care services are poor, especially in rural areas. More than 65 % of the rural population is denied access to basic health facilities and quality services <sup>(253)</sup>.

Health care is primarily the responsibility of the provincial authorities, except in the FATA where it is the responsibility of the Federal government. Health care services in Pakistan can be provided on all levels, both in the public and the private sector. Health care is organised in a) primary, b) secondary, and c) tertiary care.

Primary health care (PHC) in the public sector is provided by Basic Health Units (BHU), providing basic ambulatory care; Rural Health Centres (RHC), providing slightly more extensive ambulatory care (2 or 3 specialisations) as well as hospitalisations (e.g. appendicitis, maternity care); Tehsil Headquarter Hospitals (THH), providing ambulatory care and hospitalizations in various specialisations. Patients are referred from BHU level to RHC or THH <sup>(254)</sup>.

Secondary care is provided in District Headquarter Hospitals (DHH). These hospitals provide the whole range of outpatient and inpatient care. They also have an emergency unit as well as a laboratory for tests, and a blood bank. DHH are able to perform complicated operations. Schools for nursing and paramedical staff are attached to these hospitals.

The tertiary sector (highly specialised care) is a sector at the academic level. The hospitals are attached to universities, faculties and other educational institutions. These hospitals must have a minimum of 100 to 500 beds. All the various disciplines are available at this level <sup>(255)</sup>.

According to the Pakistan Economic Survey 2013-14, there were 1 096 hospitals (with 111 953 beds), 5 310 dispensaries, 5 527 basic health units and 687 maternity and child health centres across Pakistan. The number of health professionals included 167 759 doctors, 13 716 dentists and 86 183 nurses <sup>(256)</sup>. The nurse-patient ratio in 2013 was cited at 1:50 <sup>(257)</sup>.

### 1.7.2 HIV/AIDS

A national treatment programme exists, borne by the government, to provide free testing and follow-up treatment for people with HIV/AIDS. The National AIDS Control Programme (NACP) was established in 1986-87. After an initial focus on diagnostic testing, the programme has shifted towards HIV prevention, education, and control interventions. Eighteen HIV Treatment and Care centres have been established, in which in June 2015 nearly 11 000 HIV positive people were registered and around 5 000 under antiviral treatment <sup>(258)</sup>.

### 1.7.3 Cancer

Cancer treatment cannot be afforded by the very poor, but some people may be able to access it with financial assistance from Zakat or Bait-ul-Mal, or through medical insurance <sup>(259)</sup>. Some organisations such as Shaukat Khanum

<sup>(250)</sup> World Bank, WDI 2014 indicates that if income per adult in Pakistan is taken as \$2.00 per day in line with international standards for middle income countries, then 50.7 % of the population (at 2011 estimates) fall below the poverty line.

<sup>(251)</sup> Hafeez, M., *Poverty and Poor Health in Pakistan: Exploring the Effects of Privatizing Healthcare*, 15 June 2014.

<sup>(252)</sup> Belgian Immigration Office, *Country Fact Sheet, Access to Healthcare: Pakistan*, 13 February 2014, p. 2.

<sup>(253)</sup> Ahmed, J. and Shaik, B.T., 'The state of affairs at primary health care facilities in Pakistan: where is the State's stewardship?', 2011.

<sup>(254)</sup> Belgian Immigration Office, *Country Fact Sheet, Access to Healthcare: Pakistan*, 13 February 2014, p. 2.

<sup>(255)</sup> Belgian Immigration Office, *Country Fact Sheet, Access to Healthcare: Pakistan*, 13 February 2014, p. 2.

<sup>(256)</sup> GoP, Ministry of Finance, *Highlights Pakistan Economic Survey 2013-14*, p. 12.

<sup>(257)</sup> Express Tribune (The), *Nursing in Pakistan: Handle with care*, 7 December 2014.

<sup>(258)</sup> GoP, Ministry of National Health Services, Regulations and Coordination, *NACP*, n.d.; Dawn, *Giving back hope to HIV patients*, 7 June 2015.

<sup>(259)</sup> Belgian Immigration Office, *Country Fact Sheet, Access to Healthcare: Pakistan*, 13 February 2014, p. 2.

Memorial Cancer Hospital and Research Centre aim to provide treatment irrespective of financial means for a very limited number <sup>(260)</sup>. Bait-ul-Sukoon Cancer Hospital and Hospice in Karachi provides cancer treatment for very poor patients <sup>(261)</sup>.

### 1.7.4 Mental health

There are no specialised institutions for the treatment of mental disorders; however, psychiatrists and psychologists work in the tertiary sector and in private healthcare. Medication is easily available <sup>(262)</sup>. Public mental health treatment is free with free medication. It is commonly believed that people with mental health issues bring shame upon themselves and their families, particularly in the elite classes <sup>(263)</sup>. According to the World Health Organization (WHO), as of 2011 there were five hospitals specialising in psychiatric care; 3 231 psychiatric beds in general hospitals; 3 729 mental health outpatient facilities; and one psychiatrist and two psychologists per 10 000 people <sup>(264)</sup>.

### 1.7.5 Reproductive health

The estimated maternal mortality rate (MMR) in Pakistan in 2013 was 170 maternal deaths per 100 000 live births <sup>(265)</sup>. Ipas, an NGO promoting sexual and reproductive rights for women, stated that one maternal death occurred every 30-40 minutes in Pakistan and that 1 in 170 women would die of maternal causes. Nearly 700 000 women were treated for complications resulting from unsafe abortions <sup>(266)</sup>. The PDHS 2012-13 report recorded that skilled providers gave antenatal care to more than seven in ten mothers, and had assisted in more than half of the births in the past five years <sup>(267)</sup>.

### 1.7.6 Disabilities

The NIRM (National Institute of Rehabilitation Medicine) in Islamabad provides health care for people with disabilities, including: diagnostic facilities; clinical and reconstructive surgical services; rehabilitation; and social welfare services <sup>(268)</sup>. Several special educational, vocational and rehabilitation centres are located across the country <sup>(269)</sup>.

## 1.8 Socio-economic and humanitarian situation

### 1.8.1 Socio-economic situation

Slow growth and underdevelopment in Pakistan has been fuelled by years of internal political disputes and low foreign investment, related to governance, energy, security, and global economic reduction <sup>(270)</sup>. Annual per capita income reached USD 1 386 in 2013-14, while GDP growth was 4.14 % <sup>(271)</sup>. More than 60 % of the population lives below the poverty line (based on \$2 a day for middle income countries). The Benazir Income Support Programme (BISP) provided cash grants to lower income families <sup>(272)</sup>. In 2012-13 the total labour force stood at 59.7 million with 3.73 million unemployed <sup>(273)</sup>. Unemployment was highest in rural areas of Punjab province <sup>(274)</sup>. Women accounted for approximately 22 % of the labour force <sup>(275)</sup>.

<sup>(260)</sup> Shaukat Khanum Memorial Cancer Hospital and Research Center, *Financial Assistance*, n.d.

<sup>(261)</sup> Bait-ul-Sukoon, *Our Mission*, n.d.

<sup>(262)</sup> Belgian Immigration Office, *Country Fact Sheet, Access to Healthcare: Pakistan*, 13 February 2014, p. 2.

<sup>(263)</sup> BHC, *Prisons and mental health report Pakistan*, 20 April 2015.

<sup>(264)</sup> WHO, *Mental Health Atlas 2011, Pakistan*, n.d., p. 2.

<sup>(265)</sup> WHO, UNICEF et al., *Trends in Maternal Mortality: 1990 to 2013*, May 2014, p. 34.

<sup>(266)</sup> Dawn, *5.6 % of maternal deaths in Pakistan attributed to abortion-related complications*, 12 March 2015.

<sup>(267)</sup> NIPS, ICF Int., *Pakistan Demographic and Health Survey 2012-13*, December 2013, p. 129.

<sup>(268)</sup> GoP, MOCAD, *NIRM (National Institute of Rehabilitation Medicine)*, n.d.

<sup>(269)</sup> Belgian Immigration Office, *Pakistan, Country Report, List of federal special education centres*, n.d.

<sup>(270)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(271)</sup> GoP, Ministry of Finance, *Pakistan Economic Survey 2013-14*, pp. iii and vi.

<sup>(272)</sup> GoP, Ministry of Finance, *Pakistan Economic Survey 2013-14*, pp. 232 and 234.

<sup>(273)</sup> GoP, Ministry of Finance, *Pakistan Economic Survey 2013-14*, p. 184.

<sup>(274)</sup> GoP, Pakistan Bureau of Statistics, *Labour Force Survey 2012-13*, November 2013, p. 33.

<sup>(275)</sup> GoP, Pakistan Bureau of Statistics, *Pakistan Employment Trends 2013*, January 2014, p. 6.

Agriculture accounted for 21 % of GDP and more than 43 % of the labour force; it was the main source of livelihood for the rural population and was split into four sub sectors: crops (including wheat, maize, rice, sugarcane and cotton), livestock, fisheries and forestry <sup>(276)</sup>. Labour force percentages for other industry sectors included: community/social and personal services (13.3 %), construction (7.4 %) manufacturing (14.1 %), transport/storage (5.5 %) and wholesale and retail trade (14.4 %) <sup>(277)</sup>.

One-third of Pakistan's population lives in urban areas, a percentage that is expected to increase to nearly 50 % by 2025, driven mainly by access to better employment, education and healthcare; stability and security; and natural population growth <sup>(278)</sup>. Low income and lack of affordable housing has resulted in 40 % of Pakistan's urban population living in squatter settlements or sub-standard informal housing known as *katchi abadis* <sup>(279)</sup>. The majority of households in Pakistan do not have access to safe potable water, flushing toilets or adequate sanitation facilities <sup>(280)</sup>. Most reported health problems were directly or indirectly related to water quality <sup>(281)</sup>.

### 1.8.2 Humanitarian situation

Natural disasters, including earthquakes and severe floods, have affected millions of people in Pakistan in recent years. Floods in 2010 led to the death of nearly 2 000 people and caused widespread destruction of infrastructure and livelihoods <sup>(282)</sup>. An estimated 14 million people required humanitarian assistance <sup>(283)</sup>. Heavy monsoon rains in 2011 <sup>(284)</sup> and 2012 <sup>(285)</sup> caused further extensive flood damage. An earthquake in Balochistan in September 2013 killed at least 348 people and affected more than 300 000 <sup>(286)</sup>. Nearly 60 % of Pakistan's population faces food insecurity, and an estimated 35 % of deaths under 5 years old was attributed to malnutrition <sup>(287)</sup>.

As of August 2014, more than a million people were internally displaced due to ongoing military operations in the FATA and KP <sup>(288)</sup>. See section 2.2 [FATA and Khyber Pakhtunkhwa](#).

### 1.8.3 Humanitarian organisations

NGOs, both domestic and international, are generally allowed to function <sup>(289)</sup>, even when critical of the government <sup>(290)</sup>. A large number of civil society organisations operate in Pakistan <sup>(291)</sup>. Various Standing Committees exist to oversee and monitor the working of relevant Ministries of the Government <sup>(292)</sup>. According to the US DOS, *'The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honour crimes, police abuses in connection with blasphemy law, and the Hudood Ordinance'*. Although the committees raised public awareness of such issues, their conclusions usually adhered to government policy <sup>(293)</sup>.

See also section 3.2.11 [Situation of civil society actors](#).

<sup>(276)</sup> GoP, Ministry of Finance, *Pakistan Economic Survey 2013-14, Overview of the Economy*, pp. iii-iv.

<sup>(277)</sup> GoP, Pakistan Bureau of Statistics, *Labour Force Survey 2012-13*, November 2013, p. 22.

<sup>(278)</sup> DW, *Pakistan's urbanization: 'A challenge of great proportions'*, 30 December 2014.

<sup>(279)</sup> Siddiqui, Tasneem, 'Housing for the low-income', January 2014, p. 2.

<sup>(280)</sup> GoP, Pakistan Bureau of Statistics, *PSLM Survey 2012-13*, April 2014.

<sup>(281)</sup> GoP, Ministry of Science and Technology, PCRWR, *Water Quality*, n.d.

<sup>(282)</sup> Price, Gareth, 'Pakistan's Economic Challenges', October 2014, p. 22.

<sup>(283)</sup> UN OCHA, *Recovering with resilience: Pakistan floods one year on*, 28 July 2011.

<sup>(284)</sup> UN OCHA, *Pakistan Monsoon 2011 Situation Report No. 1*, 9 September 2011.

<sup>(285)</sup> UN OCHA, *Pakistan: Monsoon Update, Issue 09 - 14 September 2012*, 14 September 2012.

<sup>(286)</sup> UN OCHA, *Pakistan Flash Update #3 on Balochistan Earthquake*, 26 September 2013.

<sup>(287)</sup> Aga Khan University, Pakistan, et al., *National Nutrition Survey Pakistan 2011*, pp. 1, 26.

<sup>(288)</sup> UNHCR, *2015 UNHCR country operations profile – Pakistan*, n.d.

<sup>(289)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(290)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d.

<sup>(291)</sup> PILDAT, *Civil Society/Research Organisations*, n.d.

<sup>(292)</sup> National Assembly of Pakistan [website], n.d.

<sup>(293)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

## 1.9 Documents

### 1.9.1 ID documents and passports

#### NADRA

In 1998, the National Database Organization (NDO) was created under the Ministry of Interior. On 10 March 2000, it was merged with the Directorate General of Registration (DGR) to form the National Database & Registration Authority (NADRA), an independent governmental body mandated to develop a system for the re-registration of the Pakistani population. It started doing so in 2000 using multi-biometric data and issuing a computerised identity card, thereby replacing the paper-based system in use since 1971. The core of the new system is a highly secure and intelligent National Data Warehouse, accessible via [NADRA's website](#) <sup>(294)</sup>. In 2014, the authority employed 17 000 staff members <sup>(295)</sup>.

NADRA's headquarters are in the State Bank of Pakistan building in Islamabad <sup>(296)</sup>. There are five provincial headquarters in Islamabad, Karachi, Lahore and Quetta and three regional headquarters in Sukkur, Multan and Sargodha <sup>(297)</sup>. There are many local offices. In 2009, there were 68 in Islamabad, 45 in Lahore, 50 in Karachi, 73 in Peshawar, 39 in Quetta, 44 in Multan and 32 in Sukkur <sup>(298)</sup>. The registration and verification of data takes place in a Nadra Swift Registration Centre (NSRC), located in one of the mentioned NADRA offices, or in a Pakistani Embassy abroad <sup>(299)</sup>.

In April 2015, NADRA had more than 500 000 pending applications for Computerised National Identity Cards (CNICs), Smart National Identity Cards (SNICs), Marriage Registration Certificates, B-Form for under-18 applicants, National Identity Cards for Overseas Pakistanis (NICOPs), Proof of Origin Cards (POCs) and Proof of Registration Cards (PoRs) for Afghan refugees, in local offices in Pakistan and in offices in diplomatic posts worldwide <sup>(300)</sup>.

NADRA registers voters for elections and helps with verification of votes <sup>(301)</sup>. NADRA also provides logistical support, mainly registration, to humanitarian aid in case of natural disasters (drought, floods) <sup>(302)</sup> and facilitates the Zakat and Ushr Department in the distribution of Zakat funds to beneficiaries <sup>(303)</sup>. NADRA also registers and facilitates support to Internally Displaced Persons (IDPs) <sup>(304)</sup> and victims of conflicts <sup>(305)</sup>.

Since 2014, NADRA has also been responsible for the registration of foreigners. It does so, for example, by deploying mobile registration units in the fisheries of Karachi in order to obtain biometric data of foreign staff working there <sup>(306)</sup>.

NADRA is also involved in anti-terrorism measures. The authority verifies mobile phone cards and ID cards in this regard <sup>(307)</sup>. It was also involved in data surveys among the population to help security services in combating terrorism <sup>(308)</sup>. Furthermore, NADRA registers arms licences <sup>(309)</sup>.

<sup>(294)</sup> NADRA, *Profile*, n.d.

<sup>(295)</sup> Daily Times, *Dynamic, profitable NADRA in fatal tailspin*, 26 March 2014.

<sup>(296)</sup> NADRA, *Contact us*, n.d.

<sup>(297)</sup> Rozee.pk, *About National Database and Registration Authority (NADRA)*, n.d. Rozee.pk is a Pakistani job website.

<sup>(298)</sup> Daily Times, Islamabad, *AJK lead NADRA registration*, 24 August 2009.

<sup>(299)</sup> Dawn, *KARACHI: Centre for swift delivery of ID cards opens*, 11 February 2002; IRBC, *Pakistan: Computerized National Identity Cards (CNICs), including overseas identity cards; issuance procedures*, 7 January 2013.

<sup>(300)</sup> Daily Times, *0.5m applications still pending with NADRA*, 5 March 2015.

<sup>(301)</sup> Daily Times, *LG election in cantonment areas: NADRA provides final electoral rolls to the Election Commission*, 3 April 2015; Daily Times, *ECP seeks NADRA's help for vote verification*, 21 May 2013; ECP, *List of District Wise Verified/Unverified/Augmented Voters*, n.d.

<sup>(302)</sup> NDMA, *Resilience, January-June 2014*, n.d., p. 4; NDMA, *Pakistan Floods 2014: Recovery Needs Assessment and Action Framework 2014-16*, n.d., p. 13; Daily Times, *NADRA to start second phase of Watan Cards*, 7 June 2011; Daily Times, *Farzana Raja appreciates NADRA for facilitating BISP*, 29 January 2013.

<sup>(303)</sup> Daily Times, *NADRA claims system transparency over rescinding issue*, 23 December 2013.

<sup>(304)</sup> Daily Times, *NADRA registers 227 049 IDPs from North Waziristan*, 21 June 2014; Dawn, *Over 49 000 displaced families verified by Nadra, says FDMA*, 21 July 2014.

<sup>(305)</sup> News Tribe (The), *USAID, NADRA partner to assist conflict victims in Pakistan*, 29 August 2014.

<sup>(306)</sup> Dawn, *Nadra registered 3 000 aliens in 40 days: official*, 24 October 2014.

<sup>(307)</sup> Daily Times, *NADRA helping trace terrorists*, 25 December 2014; Daily Times, *Inefficient biometric systems hampers SIMs' activation*, 11 April 2014; Washington Post (The), *Pakistanis face a deadline: Surrender fingerprints or give up cellphone*, 23 February 2015.

<sup>(308)</sup> Dawn, *Counter-terror measure: Nadra, police begin data collection survey in Islamabad*, 19 July 2014.

<sup>(309)</sup> Daily Times, *Issuance of computerised arms licences begins in Sindh*, 28 November 2014; News International (The), *Nadra, home dept accused of discrimination*, 3 March 2015.

## Computerised National Identity Card (CNIC)

All citizens of Pakistan aged 18 years and older are eligible for a Computerised National Identity Card (CNIC) <sup>(310)</sup>. At the end of 2011, NADRA claimed to have registered 94 % of all adult Pakistanis and issued 89.145 million Computerised National Identity Cards (CNIC) <sup>(311)</sup>. A UN news release also reported the high registration rate <sup>(312)</sup>. Nearly all inhabitants of Islamabad, Azad Jammu and Kashmir (AJK), and Khyber Pakhtunkhwa (KP) received the ID card. The situation in other areas was the following: Punjab 96 % of the population; Gilgit-Baltistan (GB), 90 %; and the FATA, 86 %. Balochistan was the lowest, where 24 % had not received their ID card <sup>(313)</sup>.

For details on the application process and requirements, see NADRA's website <sup>(314)</sup>.

The BBC reported that the CNIC includes a person's photograph, name, parentage, permanent and temporary addresses, registration number and a family number <sup>(315)</sup>. The Immigration and Refugee Board of Canada reported the following features on the card: '*Legal Name, Gender (male, female, or transgender), Father's name (Husband's name for married females), Identification Mark, Date of Birth, National Identity Card Number, Family Tree ID Number, Current Address, Permanent Address, Date of Issue, Date of Expiry, Signature, Photo, and Fingerprint (Thumbprint)*'. NADRA registers the religion of an applicant, but on the ID card, the religion of the person is not indicated <sup>(316)</sup>. By mid-2013, NADRA had, for example, registered 1.2 million Christians <sup>(317)</sup>.

The validity of the CNIC cards can vary up to 15 years. CNICs printed in English have a maximum validity of 5 years <sup>(318)</sup>.

When the CNIC is ready, only the holder can claim it and it cannot be obtained by relatives or representatives <sup>(319)</sup>.

The CNIC is required for various applications or processes, such as obtaining a passport <sup>(320)</sup>, driver's licence, registering as a voter, engaging in employment, accessing aid or social services, and opening a bank account <sup>(321)</sup>.

Not having an ID card caused difficulties in accessing vital government-run services. Khan and Piracha, a consultancy firm in Islamabad, stated:

*The requirement for ID card is becoming increasingly vital for gaining access to admission to educational institutions, employment both in the private and governmental sectors and in all practical day to day affairs such as access to travel by air, telephone connections etc. Any access to healthcare in the social welfare/governmental sector will also be dependent of production of ID card. However, so far, production of ID card is not required for obtaining healthcare in the private sector <sup>(322)</sup>.*

## Registration of women and children

As from 2006, NADRA reserved Fridays for women to come to its offices to register and obtain their ID cards, to increase female registration and to avoid problems such as harassment while waiting in queues <sup>(323)</sup>. Women-only NADRA centres were established where only female staff members worked. According to NADRA, by mid-2012, 86 %

<sup>(310)</sup> NADRA, *CNIC*, n.d.

<sup>(311)</sup> Dawn, *24pc Baloch people without CNICs*, 9 January 2012.

<sup>(312)</sup> UN Women, *40 million women registered with Computerized National Identity Cards*, 4 October 2012.

<sup>(313)</sup> Dawn, *24pc Baloch people without CNICs*, 9 January 2012.

<sup>(314)</sup> NADRA, *CNIC*, <https://www.nadra.gov.pk>, n.d.

<sup>(315)</sup> BBC, *Pakistan's experience with identity management*, 8 June 2012.

<sup>(316)</sup> IRBC, *Pakistan: Computerized National Identity Cards (CNICs), including overseas identity cards; issuance procedures*, 7 January 2013; Dawn, *No mention of Kalash caste, religion in Nadra database*, 1 March 2013.

<sup>(317)</sup> Daily Times, *NADRA not to discriminate against minorities*, 19 June 2013.

<sup>(318)</sup> NADRA staff member, telephone interview, conducted by the Belgian COI unit (CEDOCA), 8 June 2010; IRBC, *Pakistan: Computerized National Identity Cards (CNICs), including overseas identity cards; issuance procedures*, 7 January 2013.

<sup>(319)</sup> Dawn, *In Nadra-bar row, red card for CNIC applicants*, 29 November 2014.

<sup>(320)</sup> Pakistan's missions in Australia, *Machine readable passport*, updated: 14 December 2014.

<sup>(321)</sup> UN Women, *40 million women registered with Computerized National Identity Cards*, 4 October 2012; BBC, *Pakistan's experience with identity management*, 8 June 2012.

<sup>(322)</sup> UK Home Office, *Response to queries*, source: Khan and Piracha, 20 April 2015.

<sup>(323)</sup> NADRA, *Facilitate women for Registration*, updated: May 2015; Daily Times, *NADRA reserves Friday for women in swift registration centres*, 24 September 2006.

of all Pakistani adult women had registered <sup>(324)</sup>. However, in 2015, there were still locations where no separate arrangements for women had been made in the NADRA offices <sup>(325)</sup>. The CNIC for women mentions the name of their father, or that of their husband if married. In case of divorce, the woman has to apply for a new CNIC <sup>(326)</sup>.

There have been problems with the registration of orphans and children (see section 3.2.8) of unknown parents. Registration of children with fake names is also very problematic. In the past, orphans could not be registered and could not obtain national identity cards, due to the requirement of a legal guardian and a court decree preventing anyone from claiming legal guardianship over orphans or parentless children. In early 2014, following a direction by the Supreme Court of Pakistan, NADRA adopted a new policy on this. By May 2014, 610 orphans were registered <sup>(327)</sup>. According to a NADRA official, by December 2014, NADRA registered a total of 27 unclaimed children <sup>(328)</sup>. According to information obtained by the UK Home Office, from Khan and Piracha, a consultancy firm based in Islamabad it is

*under Section 9(1) of the Ordinance, mandatory (a) for the parent or guardian of a child under the age of 18 years to get such child registered in the prescribed form within one month of the birth of the child and (b) for every citizen who attains the age of eighteen years whether inside or outside of Pakistan to get himself registered with NADRA <sup>(329)</sup>.*

It was previously required that both parents' names are mentioned on the application form for ID cards, but the new NADRA policy made it possible for heads of orphanages to become legal guardians or for the orphanage to mention any chosen name on the applications. However, according to the same source: *'Given the severe repercussions for the mother of admission of illegitimacy, registration of illegitimate children (except where they are abandoned and under the care of a listed orphanage) is not recognized by NADRA'* <sup>(330)</sup>.

### National Identity Card for Overseas Pakistanis (NICOP)

The website of NADRA defines a National Identity Card for Overseas Pakistanis (NICOP) as

*a registration document to be issued to a valid/legitimate citizen of Pakistan. Previously it was issued to overseas Pakistanis working/living/staying/studying abroad for consecutive time period of six months or possessing dual nationalities but now it can be issued to any citizen of Pakistan <sup>(331)</sup>.*

For procedures and requirements, reference is made to NADRA's website <sup>(332)</sup>.

The NICOP can replace the CNIC. Many Pakistani citizens prefer to apply for a NICOP instead of a CNIC, because it facilitates visa-free travelling and is automatically printed in English, which is easier to use abroad <sup>(333)</sup>.

### Pakistan Origin Card (POC)

The Pakistan Origin Card (POC) is a document that can be issued to third-country nationals who renounced Pakistani citizenship, or to third-country nationals married to a Pakistani national. The document gives <sup>(334)</sup>:

- Unlimited visa-free entry into Pakistan on foreign passport;
- Indefinite stay in Pakistan with exemption from reporting to police or foreigner's registration officers, etc;
- Right to purchase, sell, own, deal with and dispose of movable and immovable property anywhere in Pakistan;
- Right to open and operate bank accounts in Pakistan.

For procedures and requirements, reference is made to [NADRA's website](#) <sup>(335)</sup>.

<sup>(324)</sup> UN Women, *40 million women registered with Computerized National Identity Cards*, 4 October 2012.

<sup>(325)</sup> Dawn, *Excuses galore at Nadra centres*, 23 February 2015.

<sup>(326)</sup> Dawn, *Nadra: Identity crisis*, 29 January 2011.

<sup>(327)</sup> Daily Times, *SC tells provinces to help NADRA register orphans*, 30 May 2014; Dawn, *Nadra unveils landmark policy for registration of orphans*, 30 May 2014; UK Home Office, *response to queries*, 20 April 2015.

<sup>(328)</sup> Dawn, *Nadra told to identify, register unclaimed children*, 10 December 2014.

<sup>(329)</sup> UK Home Office, *response to queries*, 20 April 2015.

<sup>(330)</sup> UK Home Office, *response to queries*, 20 April 2015.

<sup>(331)</sup> NADRA, *NICOP*, n.d.

<sup>(332)</sup> NADRA, *CNIC*, <https://www.nadra.gov.pk>, n.d.

<sup>(333)</sup> NADRA staff member, telephone interview, conducted by the Belgian COI unit (CEDOCA), 16 November 2010; Consulate General of Pakistan – New York, *National Identity Card for Overseas Pakistanis (NICOP)*, n.d.

<sup>(334)</sup> NADRA, *POC*, n.d.; Consulate General of Pakistan – New York, *National Identity Card for Overseas Pakistanis (NICOP)*, n.d.

<sup>(335)</sup> NADRA, [website] n.d.

### Smart National Identity Card (SNIC)

In the second half of 2012, NADRA introduced new versions of the ID cards, containing a chip: Smart National Identity Card (SNIC), Smart National Identity Card for Overseas Pakistanis (SNICOP), Smart Pakistan Origin Card (SPOC) <sup>(336)</sup>. It is hoped to replace all CNICs by SNICs <sup>(337)</sup>.

### Proof of Registration Card (PoR)

NADRA issues Proof of Registration Cards (PoR) to registered Afghan refugees (see section 3.3.4 Registration). According to the agency, this card was issued to 50 % of the 1.6 million registered Afghan refugees in the first half of 2014. The validity extends until 31 December 2015. This happened through 34 local offices and mobile registration vans <sup>(338)</sup>.

### Passports

Pakistan has three types of passports <sup>(339)</sup>:

- Ordinary passport
- Diplomatic passport
- Official passport

The current passports are Machine Readable (MRP) and manual passports are being replaced. For information on procedures and requirements, reference is made to the website of the [Directorate General of Immigration and Passports](#) <sup>(340)</sup>.

### Birth, marriage, divorce and death certificates

NADRA issues birth, marriage, divorce and death certificates and has an electronic database for this <sup>(341)</sup>.

For procedures, requirements and samples of birth certificates, death certificates, and marriage certificates, reference is made to Pakistan's online birth certificate service <sup>(342)</sup> and some websites of Pakistani diplomatic posts that provide information <sup>(343)</sup>.

There were problems reported for religious minorities, such as Hindu, Sikh, Baha'i and Christians to obtain marriage certificates from NADRA. In 2013, NADRA responded by issuing a no-discrimination policy for its staff which was circulated to all offices. However, still in 2015, problems were reported due to absence of legal frameworks for certain groups and due to a lack of recognition of marriage certificates from, for example, smaller Christian churches <sup>(344)</sup>.

For specific problems of Ahmadis with obtaining ID-cards see section 3.4.2.

## 1.9.2 Legal documents in criminal proceedings

### First Information Report

A First Information Report (FIR) is a written document prepared and registered by the police when they receive information about the commission of a 'cognisable' offence. It is generally a complaint lodged by the victim of such an offence or anyone else and it is a duty of the police to register the FIR without any delay <sup>(345)</sup>.

<sup>(336)</sup> NADRA, *Now live smartly with the smart national ID card*, n.d.; News International (The), *Features of Smart National Identity Cards highlighted*, 13 October 2012; Biometricupdate.com, *NADRA introduces Pakistan's new biometric smart ID cards*, 15 October 2012.

<sup>(337)</sup> News International (The), *Towards an 'identity-based nation'*, 25 March 2015.

<sup>(338)</sup> Daily Times, *50 % of listed Afghan refugees given PoR cards by NADRA*, 7 May 2014.

<sup>(339)</sup> Directorate General of Immigration and Passports (Pakistan), *Passports*, n.d.

<sup>(340)</sup> Directorate General of Immigration and Passports (Pakistan), <http://www.dgip.gov.pk/n.d>.

<sup>(341)</sup> Daily Times, *NADRA setting up computerised birth certificate database*, 6 April 2014.

<sup>(342)</sup> Birth Certificate Pakistan, *Nadra Birth certificate Pakistan*, 17 March 2008; Birth Certificate Pakistan, *Nadra Death Certificate from Pakistan*, 25 November 2013; Birth Certificate Pakistan, *Nadra Marriage Certificate from Pakistan*, 17 December 2006.

<sup>(343)</sup> Embassy of the Islamic republic of Pakistan, Berlin, *Birth Registration*, n.d.; Pakistan's Mission in Australia, *Birth Registration*, 29 April 2015.

<sup>(344)</sup> Daily Times, *NADRA not to discriminate against minorities*, 19 June 2013; Diplomat (The), *Marriage Registration for Minorities in Pakistan*, 14 January 2015.

<sup>(345)</sup> CPLC, *What is a FIR?*, n.d.; CPDI-Pakistan, *First Information Report (FIR) (A Guide for Citizens)*, n.d.

A cognisable offence, as defined by section 4(f) of the Pakistani Code of Criminal Procedures (CCP), is an offence over which police has jurisdiction, meaning they may arrest without a warrant and are authorised to start an investigation without being ordered by a court <sup>(346)</sup>. Examples include: robbery and banditry; use, possession or sale of alcohol; murder; breach of trust; burglary; prostitution of minors; kidnapping; poisoning; torture; blasphemy <sup>(347)</sup>.

For more information on FIR, reference is made to the relevant [response to information request](#) by the Canadian Immigration and Refugee Board <sup>(348)</sup>.

### Warrant of Arrest

A warrant of arrest is issued by a court to bring the required person to the court with the help of the police or another person empowered on their behalf <sup>(349)</sup>.

Section 75 CCP identifies the essential form requirements of warrants of arrest:

- in writing;
- signed by the presiding officer of the court;
- bearing the seal of the court <sup>(350)</sup>.

Section 77 CCP states that an ordinary warrant is issued directly to a police officer but can also be issued to others <sup>(351)</sup>, to arrest someone. This is the difference with a summons that is addressed to the person who is required to attend or produce a document in court <sup>(352)</sup>.

### 1.9.3 Document fraud

In Transparency International's corruption perceptions index of 2014, Pakistan is placed 126 out of 175 countries and scores 26 for public sector corruption, putting it in the index's red zone for highly corrupt countries <sup>(353)</sup>. High levels of corruption are reported among Pakistani authorities and are called a persistent problem. For example, police officers took bribes for registering genuine or false complaints <sup>(354)</sup>. Corruption is said to be part of the political culture in Pakistan and cannot be ruled out in the short term. Family and clan loyalty are values considered higher than professional ethics <sup>(355)</sup>.

It was reported that NADRA officials were taking bribes for the issuance of documents. People were being asked to pay to get their documents within days, otherwise they would have to wait for months. This is especially a problem for Afghan refugees and overseas Pakistanis. NADRA staff reportedly raise frivolous objections in files and mark cases for long verification processes in order to be able to extract bribes <sup>(356)</sup>. There was also reporting on NADRA staff taking bribes for the issuance of ID cards to militants <sup>(357)</sup>, or for issuing fake ID cards to foreigners <sup>(358)</sup>. On other occasions NADRA staff refused to issue cards to people or groups of people who were entitled to them on discriminatory grounds <sup>(359)</sup>. Also fraud and flaws were reported in the distribution by NADRA of *zakat* funds to

<sup>(346)</sup> Punjab Police, *Frequently Asked Questions*, n.d.; CPLC, *What is a FIR?*, n.d.; Pakistan, *Code of Criminal Procedure*, 1 July 1898 (latest amendment 2011).

<sup>(347)</sup> President of Pakistan, *The Prohibition (Enforcement of Hadd) Order*, 9 February 1979, art. 16; Iqbal Law Services, *Conditions for First Information*, n.d.; Pakistan, *Code of Criminal Procedure*, 1 July 1898 (latest amendment 2011).

<sup>(348)</sup> IRBC, *Pakistan: First Information Reports (FIRs) (2010-December 2013)*, 10 January 2014.

<sup>(349)</sup> Pakistani Law Firm, *What is procedure for Warrant of Arrest in Pakistan*, 27 September 2012.

<sup>(350)</sup> Pakistan, *Code of Criminal Procedure*, 1 July 1898 (latest amendment 2011).

<sup>(351)</sup> Pakistan, *Code of Criminal Procedure*, 1 July 1898 (latest amendment 2011).

<sup>(352)</sup> Pakistani Law Firm, *What is procedure for Warrant of Arrest in Pakistan*, 27 September 2012; Pakistan, *Code of Criminal Procedure*, 1 July 1898 (latest amendment 2011).

<sup>(353)</sup> Transparency International, *Corruption Perception Index 2014*, 3 December 2014.

<sup>(354)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(355)</sup> Anatol Lieven, *Pakistan: a hard country*, 2011, p. 207.

<sup>(356)</sup> Daily Times, *0.5m applications still pending with NADRA*, 5 March 2015.

<sup>(357)</sup> Daily Times, *Nadra official caught for abetting militants*, 19 January 2015.

<sup>(358)</sup> Daily Times, *Court sentences NADRA staff over fake NICs*, 17 January 2015; Dawn, *372 Nadra employees involved in CNIC's for Afghans, Senate committee told*, 26 February 2015; Dawn, *Two Nadra directors convicted for issuing NICs to foreigners*, 16 January 2015; Dawn, *Nadra worker held over fake CNICs bid*, 25 January 2015; Dawn, *Nadra officials sentenced for issuing NICs to Afghans*, 17 January 2015; Dawn, *Pakistan issues CNIC to Nat Geo's famed 'Afghan Girl'*, 25 February 2015; Nation (The), *Another Nadra scam comes to light*, 28 February 2015.

<sup>(359)</sup> Daily Times, *SC tells NADRA to resolve Hindu women's problems*, 24 April 2012; Daily Times, *NADRA officials insult blind sisters*, 19 September 2013; Dawn, *Visually impaired man on hunger strike against Nadra*, 9 April 2015; News International (The), *Nadra, home dept accused of discrimination*, 3 March 2015.

beneficiaries <sup>(360)</sup>. There were incidents of large numbers of CNIC cards being stolen from NADRA offices <sup>(361)</sup>. It was reported that obtaining fake identities and documents from NADRA was easy due to corruption by staff who can manipulate data manually <sup>(362)</sup>.

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<sup>(360)</sup> Daily Times, *NADRA claims system transparency over rescinding issue*, 23 December 2013.

<sup>(361)</sup> Dawn, *CNICs stolen from Nadra swift centre*, 19 January 2015; Dawn, *Data stolen from NADRA office in Karachi*, 18 May 2010.

<sup>(362)</sup> Dawn, *Fake identities*, 15 July 2012; Dawn, *Reports about manipulation of Nadra data ring alarm bells*, 25 January 2014.

## 2. Security situation

### 2.1 General

This chapter describes the recent security situation in Pakistan and gives an overview of the current situation as of May 2015. There are large regional differences with regard to violent activities by militants and security forces, as well as internal displacement, which will be further elaborated in the regional sections. Overall, the north-western part of Pakistan (FATA, Khyber Pakhtunkhwa, Balochistan) is the most affected by violence, as the regional comparison shows (see section 2.1.5).

#### 2.1.1 Short historical overview

Large part of the politically-motivated violence in Pakistan is due to the instability in the north-west of the country resulting from the 2001 toppling of the Taliban-regime in Afghanistan. Many Afghan Taliban settled in the FATA and in the North Western Frontier Province (NWFP, currently Khyber Pakhtunkhwa), having fled the coalition forces in Afghanistan. Under their influence several Pakistani groups with a similar ideology continued working together in what became a federation of armed groups. This resulted in the so-called 'Talibanisation' of the region. Their policies included a strict application of conservative Islamic principles and resulted in violence against civilians and eventually the Pakistani authorities<sup>(363)</sup>.

Since 2007 the Pakistani army has conducted military operations in the FATA and Khyber Pakhtunkhwa aimed at breaking the control of the Pakistani Taliban and affiliated organisations<sup>(364)</sup>. Especially in 2009 the fights against the Taliban has been a source of insecurity, causing a massive displacement from the region<sup>(365)</sup>. In spite of repeated peace agreements and triumphant statements by the Pakistani army the violence has continued in recent years. Occasional confrontations between the security apparatus and insurgents, terror attacks and anti-terrorism campaigns persist. Since 2004 the US army has conducted drone attacks against the Taliban and Al-Qaeda in the region<sup>(366)</sup>. In recent years most of these have occurred in North-Waziristan<sup>(367)</sup>.

In spite of the victory of a number of nationalist parties in provincial elections in May 2013, the insurgency in Balochistan has also caused bloodshed. Balochi activists claimed that between 2013-2015 the Pakistani army and intelligence agencies continued to target them. There were a number of disappearances and extrajudicial killings<sup>(368)</sup>. Additionally, sectarian tensions have been on the rise in recent years. In particular the Shia Hazara community in Quetta are victims of murders and terror attacks<sup>(369)</sup>.

Interethnic violence has also been a problem in other regions of Pakistan: in recent years the tensions between Mohajir and the Pashtun population in Karachi have increased for example. The power struggle between both groups led to numerous political murders of members of the Muttahadi Qaumi Movement (MQM), Awami National Party (ANP), Pakistan People's Party (PPP) and Pakistan Tehreek-e-Insaf (PTI). Sectarian tensions have increased and militants of the Taliban have sought refuge in the city<sup>(370)</sup>.

<sup>(363)</sup> AI, 'As if hell fell on me', *the human rights crisis in northwest Pakistan*, 10 June 2010; Ahmed, Rashid, *Descent into Chaos*, 2008, pp.265-270.

<sup>(364)</sup> Critical Threats/ AEI, *Pakistani Military Operation in North Waziristan: Knowing the Battlefield*, 16 June 2014; ICG, *Pakistan: Countering Militancy in FATA, Asia Report N°178*, 21 October 2009; Thomson Reuters Foundation, *Pakistan Violence*, 11 April 2013; World Politics Review, *FATA: The Never-Ending War on Pakistan's Periphery*, 6 January 2015.

<sup>(365)</sup> AI, 'As if hell fell on me', *the human rights crisis in northwest Pakistan*, 10 June 2010; ICG, *Pakistan: The Worsening IDP Crisis, Asia Briefing N°111*, 16/09/2010.

<sup>(366)</sup> HRW, *World Report 2015 – Pakistan*, January 2015; ICG, *Drones: Myths and Reality In Pakistan*, Asia Report N°247, 21 May 2013.

<sup>(367)</sup> Roggio, B., *Charting the data on US strikes in Pakistan 2004-2014*, 2014.

<sup>(368)</sup> AHCR, *Balochistan; 160 persons extra judicially killed, 510 disappeared and 50 decomposed bodies were found during 2013*, 8 January 2014; Al Jazeera, *From rallies to armed resistance in Balochistan*, 6 May 2014; DW, *Pakistani army involved in Baloch kidnappings*, 6 December 2013; IBT, *Balochistan: 'Hundreds of people abducted and murdered by Pakistan army' activists say*, 11 March 2015.

<sup>(369)</sup> Dawn, *Eights Hazaras gunned down in Quetta bus attack*, 23 October 2014; HRW, *'We Are The Walking Dead'. Killings of Shia Hazara in Balochistan, Pakistan*, 30 June 2014.

<sup>(370)</sup> DNA, *Pakistan: nearly 3 000 killed in Karachi violence in 2014*, 7 January 2015; HRW, *World Report 2015 – Pakistan*, January 2015; USIP, *Conflict dynamics in Karachi*, 19 October 2012.

Actions by the Pakistani military prompted the Punjabi faction of Tehrik-i-Taliban Pakistan (TTP) to surrender and renounce terrorism in Pakistan in September 2014. The group said it will instead focus future violent attacks on military and government targets in Afghanistan <sup>(371)</sup>.

After his election in June 2013, Prime Minister Sharif initially opted for negotiations with the Pakistani Taliban, which proved to be a difficult and complex task <sup>(372)</sup>. The talks started on 6 February 2014 in Islamabad <sup>(373)</sup> but soon stalled after the Mohmand wing of the Taliban executed 23 soldiers of the Frontier Corps, who had been held since 2010 <sup>(374)</sup>. In an effort to restart negotiations the Taliban announced a month-long ceasefire on 1 March 2014 <sup>(375)</sup>, which eventually ended on 17 April 2014 <sup>(376)</sup>. What was left of the peace talks finally collapsed after the terrorist attack on Mohammad Ali Jinnah airport in Karachi on 8 June 2014, which left 26 people dead. Although the attack was carried out by militants of the Islamic Movement of Uzbekistan (IMU), the Tehrik-i-Taliban Pakistan (TTP) claimed responsibility <sup>(377)</sup>.

On 15 June 2014 the Pakistani army launched an offensive in order to eradicate ‘foreign and local terrorists’. The main targets were militant strongholds in the North-Waziristan tribal region where insurgents enjoyed sanctuary. The operation was codenamed Zarb-e-Azb <sup>(378)</sup>. The fighting continued during 2014, but without giving the army a decisive victory over the Taliban and its allies in the FATA <sup>(379)</sup>. The militants struck back with terrorism: on 2 November 2014 a suicide bombing claimed 60 lives at the Wagah border crossing near Lahore, a symbolic and sensitive area <sup>(380)</sup>. On 16 December 2014 seven gunmen, apparently affiliated with the TTP, entered an Army Public School in Peshawar. They opened fire on school staff and children, killing 145 people, including 132 minors, mostly children of army staff. It was the deadliest terrorist attack ever conducted in Pakistan and it left the population stunned and the army command livid <sup>(381)</sup>. The Army Chief of Staff, General Raheel Sharif, urged the government to take strong action against the Taliban <sup>(382)</sup>.

On 25 December 2014, after consultation with different political parties, Prime Minister Sharif announced a 20-point plan of action in order to confront the terrorist threat. Special courts would be established for the speedy trial of terror suspects and a moratorium on capital punishment was lifted. Six ‘convicted terrorists’ have been hanged since the lifting of the ban. Furthermore a 5 000-strong counter terrorism force was planned to be deployed across the country. No armed militias were allowed to function in the country and their funding will be ‘choked’. Hate speech will be forbidden as well. Army commander Sharif confirmed that military operations in the tribal areas would continue <sup>(383)</sup>. However, human rights organisations criticised the speedy trial of terrorist suspects and cautioned that hundreds of non-terrorists run the risk of being executed without the proper legal procedures having been followed <sup>(384)</sup>. See also section 3.2.5 [Death penalty](#).

## 2.1.2 Actors

### Security Forces

The **Pakistan Armed Forces**, as of the beginning of 2015, have 643 800 combat troops at their disposal, of which 550 000 belong to the army. Operational control rests with the National Command Authority (NCA). Pakistan’s nuclear and conventional forces have traditionally been oriented and structured against a prospective threat from

<sup>(371)</sup> HRW, *World Report 2015 – Pakistan*, January 2015.

<sup>(372)</sup> Washington Post (The), *Prime Minister Nawaz Sharif’s effort to seek peace with Pakistani Taliban off to rocky start*, 19 September 2013.

<sup>(373)</sup> BBC, *Pakistan enters peace talks with Taliban*, 6 February 2014.

<sup>(374)</sup> Reuters, *Peace Talks between Pakistan and Taliban collapse after killings*, 17 February 2014; Telegraph (The), *Peace talks collapse as Taliban execute 23 Pakistani soldiers*, 17 February 2014.

<sup>(375)</sup> Dawn, *Pakistani Taliban announce a month-long ceasefire*, 2 March 2014.

<sup>(376)</sup> Dawn, *TTP ends ceasefire, says talks option open*, 17 April 2014.

<sup>(377)</sup> AP, *Pakistani forces repel attack near Karachi airport*, 10 June 2014.

<sup>(378)</sup> BBC, *Pakistan army North Waziristan offensive: thousands flee*, 19 June 2014; Dawn, *Zarb-e-Azb operation: 120 suspected militants killed in N Waziristan*, 16 June 2014; Reuters, *Pakistan army in for long haul in offensive against Taliban*, 17 June 2014.

<sup>(379)</sup> Jane’s, *Uncertain Victory – Pakistan’s North Waziristan Offensive*, 28 December 2014.

<sup>(380)</sup> Dawn, *TTP splinter groups claim Wagah attack: 60 dead*, 3 November 2014; Guardian (The), *Dozens killed at suicide attack at Pakistan-India border post*, 2 November 2014.

<sup>(381)</sup> CNN, *In Pakistan school attack, Taliban terrorists kill 145, mostly children*, 17 December 2014; New York Times (The), *Taliban Besiege Pakistan School, Leaving 145 Dead*, 16 December 2014.

<sup>(382)</sup> Economist (The), *The man with the plan: Pakistan after the school massacre*, 24 January 2015.

<sup>(383)</sup> Express Tribune (The), *Fight against terrorism: Defining moment*, 25 December 2014.

<sup>(384)</sup> BBC, *Justice at risk as Pakistan rushes convicts to the gallows*, 25 December 2014.

India. Since 2008, however, a priority for the army has been counter-insurgency operations, mainly against Islamist groups for which forces have been redeployed from the Indian border <sup>(385)</sup>. In the east of the country the 11<sup>th</sup> corps is stationed in Peshawar and the 12<sup>th</sup> corps in Quetta <sup>(386)</sup>.

The military has gradually gained control of a large part of the country's economic resources. It is entrenched in the country's corporate sector and controls some of Pakistan's largest companies and significant tracts of real estate, enabling it to become a social class of its own <sup>(387)</sup>. The Pakistan army has developed a very strong 'esprit de corps'. As Anatol Lieven observes '*The Pakistan military, more even than most militaries, sees itself as a breed apart, and devotes great effort to inculcating in new recruits the feeling that they belong to a military family different from (and vastly superior to) Pakistani civil society*' <sup>(388)</sup>.

The unity of the army is scrupulously guarded. Islamist conspiracies by junior officers against their superiors have in the past been penetrated and smashed by military intelligence. The efficient reputation of the army means that the institution is admired by large parts of the general populace and in the past every military coup in Pakistan was popular with most Pakistanis <sup>(389)</sup>.

A section of the army which causes much controversy is the feared **Inter Service Intelligence (ISI)**. The agency has close relations with a number of extremist Islamist groups. In the 1990s the ISI used the Afghan Taliban as a strategic asset to increase Pakistani influence in Afghanistan <sup>(390)</sup>. At the same time close ties were established with groups such as Lashkar-e-Taiba and Jaish-e-Mohammed to put pressure on India, with whom Pakistan had already embroiled for decades on the issue of Kashmir. ISI's agenda was to create a pro-Pakistan movement inside Azad Kashmir and therefore supported the targeting of pro-independence activist groups such as the Jammu Kashmir Liberation Front (JKLF) <sup>(391)</sup>. The strategy of ISI has partly backfired since 9/11 when a Pakistani Taliban was formed. Some factions of Jaish-e-Mohammed joined this Taliban while Lashkar-e-Taiba developed an independent radical agenda culminating in the terrorist attack on Mumbai in November 2008 <sup>(392)</sup>.

The **Frontier Corps** is an auxiliary military force, theoretically residing under the Interior Ministry but commanded by army officers. There are two major subdivisions, one stationed in Khyber-Pakhtunkwa/FATA and one stationed in Balochistan <sup>(393)</sup>. Its total strength numbers approximately 70 000 <sup>(394)</sup>. The Frontier Corps helps local law enforcement maintain law and order, border control and fight organised crime <sup>(395)</sup>. Reportedly, in the FATA, army and Frontier Corps have been involved in human rights violations <sup>(396)</sup>. In Balochistan the corps, together with the army and intelligence services, are said to be involved in extrajudicial killings and disappearances <sup>(397)</sup>.

The **Rangers** are a paramilitary force residing under the Interior Ministry <sup>(398)</sup>. There are two major subdivisions, the Punjabi Rangers headquartered in Lahore and the Sindh Rangers headquartered in Karachi <sup>(399)</sup>. The Rangers help local law enforcement, border security and fight smuggling <sup>(400)</sup>. Their total strength is about 20 000 in Punjab and 25 000 in Sindh <sup>(401)</sup>. The Rangers have sometimes been accused of human rights abuses, notably in Sindh <sup>(402)</sup>.

The Pakistani **Police** has a staff of 354 000. There are 1 479 police stations throughout the country. The police are generally understood to be underfunded and facing a difficult task fighting rising amounts of crime and, in certain regions, the activity of militants and insurgents. The reputation of the police is not good. As the United States Institute of Peace (USIP) report observes:

<sup>(385)</sup> IISS, *The Military Balance 2015*, 11 February 2015.

<sup>(386)</sup> Singh, R.S.N., *The Military factor in Pakistan*, p. 378.

<sup>(387)</sup> GlobalSecurity, *Pakistan Army*, n.d.; Lieven, A., *Pakistan, a hard country*, pp. 169-170.

<sup>(388)</sup> Lieven, A., *Pakistan, a hard country*, 2011, p. 163.

<sup>(389)</sup> Lieven, A., *Pakistan, a hard country*, 2011, pp. 163-164.

<sup>(390)</sup> Lieven, A., *Pakistan, a hard country*, 2011, p. 188.

<sup>(391)</sup> Lieven, A., *Pakistan, a hard country*, 2011, pp. 189-190.

<sup>(392)</sup> Lieven, A., *Pakistan, a hard country*, 2011, pp. 194-196.

<sup>(393)</sup> Jamestown Foundation Terrorism Monitor (The), *Transforming Pakistan's Frontier Corps*, 29 March 2007.

<sup>(394)</sup> IISS, *The Military Balance 2015*, 11 February 2015; Pakistan Army, *A Journey from Scratch to Nuclear Power*, n.d.

<sup>(395)</sup> GlobalSecurity, *Frontier Corps*, n.d.

<sup>(396)</sup> AHCR, *Balochistan; 160 persons extra judicially killed, 510 disappeared and 50 decomposed bodies were found during 2013*, 8 January 2014.

<sup>(397)</sup> HRW, *'We Can Torture, Kill, or Keep You for Years'; Enforced Disappearances by Pakistan Security Forces in Balochistan*, 28 July 2011.

<sup>(398)</sup> Roggio, B., *Rangers deployed to secure Islamabad outskirts*, 24 April 2009.

<sup>(399)</sup> Pakistan Rangers, *Introduction*, n.d.

<sup>(400)</sup> Pakistan Army, *Pakistan Rangers (Punjab)*, n.d.

<sup>(401)</sup> IISS, *The Military Balance 2015*, 11 February 2015; USIP, *Reforming Pakistan's Police and Law Infrastructure*, February 2011.

<sup>(402)</sup> HRCR, *State of Human Rights in 2013*, 2014.

*The police in Pakistan have a terrible reputation, and ordinary people often avoid approaching police to report crime or communicate grievances. There is a general perception that the institution of the police is corrupt, institutionally incompetent and, brutal ... Even internal police assessments acknowledge the police's lack of credibility in the public eye* <sup>(403)</sup>.

In Khyber-Pakhtunkwa and the FATA, Pakistani army and police sometimes use **irregular militia**, so-called '*Lashkars*', to control territory. They are often called 'government Taliban'. Some of them are in fact former Taliban. Occasionally they use indiscriminate and punitive force, destroying houses belonging to suspected Taliban and their families, making arbitrary arrests and carrying out unlawful killings <sup>(404)</sup>.

## Militant Groups

**Tehrik-e-Taliban Pakistan** (TTP) is the largest militant group active in Pakistan. It was founded in about 2007 as a loose formation of Deobandi (see section 3.4.6 **Deobandi**) groupings chiefly operating in the Pakistani border area with Afghanistan. Initial objectives of the organisation were implementation of Sharia law and the ousting of coalition forces from Afghanistan. After President Pervez Musharraf took action against militants hiding in the red mosque (Lal Masjid) in Islamabad, action was also undertaken against the Pakistani authorities <sup>(405)</sup>. In 2010 membership of TTP had reached 30 000 to 35 000 armed men <sup>(406)</sup>. Militants are mostly Pashtun originating from the border zone between Pakistan and Afghanistan. Recruitment is voluntary and most of these recruits are thought to be jobless youngsters. The Pakistani Taliban finances its activities via extortion, smuggling, the drugs trade and kidnappings <sup>(407)</sup>. TTP has strong ties with sectarian Deobandi organisations such as Lashkar-e-Janghvi and Ahle Sunnat Wal Jamaat <sup>(408)</sup>.

In 2013 the TTP was responsible for 645 acts of terror. These claimed the lives of 732 civilians and 425 members of the security forces. In the FATA and Khyber-Pakhtunkwa the organisation was involved in 34 direct confrontations with the Pakistani army and security services. Though the FATA and Khyber-Pakhtunkwa are TTP's main operational areas, terror attacks elsewhere in Pakistan and specifically Karachi have increased <sup>(409)</sup>. On 1 November 2013 TTP official leader Hakimullah Mehsud was killed by a drone attack in North-Waziristan <sup>(410)</sup>. The nomination of hardliner, Mullah Fazlullah, as his successor was considered as a rejection of possible peace talks with the Pakistani authorities <sup>(411)</sup>. In December 2014 TTP claimed responsibility for the Peshawar school attack, which killed 145 people. A spokesman said it was retaliation for the ongoing army campaign in North-Waziristan <sup>(412)</sup>.

In the Pakistani tribal regions there are several groups who operate alongside TTP but were initially not home grown. First there is the **Haqqani Network**, led by Afghani warlord Jalaluddin Haqqani and his son Sirajuddin Haqqani. Originating from Loya Paktya (Khost, Paktia and Paktika provinces) they now mainly operate in North-Waziristan. Though their main objective is attacking international forces in Afghanistan, they closely cooperate with TTP. The Haqqani Network also has a longstanding relationship with the ISI which caused friction between Pakistan and the US <sup>(413)</sup>. The vast majority of the Haqqani fighters belong to the Zadran tribe but there are also non-Pashtun militants including Arabs, Chechens and Uzbeks. The Haqqani network is believed to have ties with Al-Qaeda <sup>(414)</sup>. American sources stated in November 2014 that ongoing Pakistani military operations in North-Waziristan have 'disrupted' the military capabilities of the Haqqani's <sup>(415)</sup>.

The **Islamic Movement of Uzbekistan** (IMU) has been active in the Pakistani tribal region since late 2001, where it regrouped after sustaining heavy losses fighting alongside the Taliban during the US combat operations in Afghanistan. Under the leadership of Toher Yuldashev the group targeted the Pakistani security forces from its bases in North and

<sup>(403)</sup> USIP, *Reforming Pakistan's Police and Law Infrastructure*, February 2011, p.9.

<sup>(404)</sup> Al, 'As if hell fell on me', *the human rights crisis in northwest Pakistan*, 10 June 2010.

<sup>(405)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012; Guardian (The), *Pakistan Taliban chief Hakimullah Mehsud is alive, says spy agency*, 28 April 2010.

<sup>(406)</sup> SATP, *Tehrik-e-Taliban Pakistan*, 2015.

<sup>(407)</sup> Landinfo, *Pakistan: Sikkerhetsrelaterte forhold i Khyber Pakhtunkwa (KPK) og Federally Administered Tribal Areas (FATA)*, 8 November 2013.

<sup>(408)</sup> Noref, *Sectarian violence: Pakistan's greatest security threat?*, 9 August 2012.

<sup>(409)</sup> PIPS, *2013, Pakistan Security Report*, 4 January 2014.

<sup>(410)</sup> Monde (Le), *Hakimullah Mehsud enterré, les Talibans choisissent un successeur*, 2 November 2013.

<sup>(411)</sup> Guardian (The), *Pakistani Taliban select hardliner Mullah Fazlullah as new leader*, 8 November 2013.

<sup>(412)</sup> Express Tribune (The), *TTP claim responsibility for Peshawar school attack*, 16 December 2014.

<sup>(413)</sup> Asia Times, *Haqqani network sours Pakistan-US ties*, 20 September 2011; Economist (The), *The Haqqani Network. Snake Country. The Pakistan army's complex relationship with jihadists*, 1 October 2011; Foreign Policy, *Dealing with the Haqqani Network*, 23 September 2011; Ahmed, Rashid, *Descent into Chaos*, 2008, p. 221.

<sup>(414)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012.

<sup>(415)</sup> Dawn, *Operation Zarb-e-Azb disrupted Haqqani network; US general*, 6 November 2014.

South Waziristan. In 2007 the IMU formed an alliance with the TTP and fought alongside them. In 2009 Yuldashev was killed in a drone attack while Pakistani military operations forced the IMU to north-Waziristan where it started to cooperate with the Haqqani network. Osman Odil became the new leader of the organisation. A radical splinter group of IMU, the Islamic Jihad Union (IJU), is aiming to export terrorism from its Pakistan base <sup>(416)</sup>. On 8 June 2014 IMU militants staged a bloody attack on Karachi airport <sup>(417)</sup>.

Following the US intervention in Afghanistan, many **Al-Qaeda** operatives withdrew to the Pakistani tribal regions. By 2008 they were so deeply entrenched in Waziristan that according to American intelligence officials the area had become Al-Qaeda's '*international operations hub*' <sup>(418)</sup>. Among their ranks were Arabs, Uzbeks, Chechens and Chinese Muslims (Uyghurs) <sup>(419)</sup>. In the FATA Al-Qaeda has aligned itself with several militant groups, offering support with manpower, training and propaganda. It also attacks the Pakistani government, which is viewed as apostate for allying itself with the US-led war on terrorism. Al-Qaeda in Waziristan has developed privileged relations with the IJU <sup>(420)</sup>. In December 2014 Al-Qaeda lost two top operatives: the Pakistani army killed Adnan El-Shukrijuma in South-Waziristan <sup>(421)</sup>, while a US drone eliminated Umar Farooq in North-Waziristan <sup>(422)</sup>.

It is not clear if the **Punjabi Taliban** is part of the TTP or they are independent organisations. The most influential group of the Punjabi Taliban is led by Maulana Asmatullah Muawiya. But there are several groups who have facilitated TTP, Al-Qaeda and **Lashkar-e-Jhangvi** (LeJ). In 2014 the Punjabi Taliban claimed responsibility for only two terrorist attacks. In September 2014 Muawiya first intended to shift his militant activities from Pakistan to Afghanistan, <sup>(423)</sup> and some days later announced he would give up the armed struggle in Pakistan entirely <sup>(424)</sup>.

**Sipah-e-Sahaba Pakistan** (SSP) is a former Deobandi political party founded in the early 1980s by Sunni cleric Maulana Haq Nawaz Jhangvi in Jhang, in Punjab. Its principal aim is to fight Shia influence in Pakistan. Jhangvi was assassinated in 1990, and was replaced by Maulana Azam Tariq. Tariq, in turn, was killed in 2003 when gunmen fired at the vehicle he was travelling in. Tariq was succeeded by Maulana Ali Sher Hyderi. The organisation is understood to have close ties to the Jihadi organisation Jaish-e-Muhammad. Numerous reports have labelled SSP a violent group. At the beginning of the century it was responsible for the murder of Shiite militants, Shiite citizens and attacks on Shiite mosques. In spite of the group denying involvement in violence President Musharraf banned it in 2002 and in 2005 the US listed SSP as a terrorist organisation <sup>(425)</sup>. Part of SSP resurfaced in more recent years under the name Ahle Sunnat Wal Jamaat, who, under the leadership of Maulana Muhammad Ahmed Ludhianvi, contested elections in 2014 <sup>(426)</sup>. Some members left SSP to form an apparently even more radical outfit under the name Lashkar-e Jhangvi (LeJ). Other extremist splinter groups of SSP are the Jhangvi Tigers, Al-Haq Tigers, Tanzeem-ul-Haq, Al-Farooq and the Al-Badra Foundation <sup>(427)</sup>. Still, according to the South Asia Terrorism Portal (SATP) remnants of SSP kept on perpetrating attacks on Shiites into 2015. In January 2015 Pakistani authorities executed three convicted members of SSP <sup>(428)</sup>.

The core of the SSP's supporters is formed by Sunni peasantry in the rural Jhang and by the merchant and trader classes in the urban centres. The *madrassas* are also a major recruiting ground for the SSP. Militants have been known to receive jihadi training in Afghanistan. To fund its organisation and activities, the SSP has relied on contributions from its supporters in the form of *zakat*. Sunni business people contribute as well. It is also widely understood that the SSP thrives on considerable financial and logistical backing from Saudi donors, who have wanted to curb Iran's influence over the Shia population in Pakistan <sup>(429)</sup>.

<sup>(416)</sup> ISW, *Uzbek militancy in Pakistan's tribal region*, 27 January 2011.

<sup>(417)</sup> AP, *Pakistani forces repel attack near Karachi airport*, 10 June 2014; BBC, *Karachi airport: Islamic Movement of Uzbekistan claims attack*, 11 June 2014.

<sup>(418)</sup> Guardian (The), *Waziristan: the hub of al-Qaida operations*, 7 January 2008; Ahmed, Rashid, *Descent into Chaos*, 2008, pp. 268-269.

<sup>(419)</sup> Reuters Alertnet, *Analysis - The ties that kill: Pakistan militant groups uniting*, 30 May 2010.

<sup>(420)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012.

<sup>(421)</sup> Dawn, *Top Al Qaeda leader killed in South Waziristan*, 6 December 2014.

<sup>(422)</sup> Dawn, *Al Qaeda leader Umar Farooq killed in N Waziristan drone strike*, 7 December 2014.

<sup>(423)</sup> PIPS, *2014, Pakistan Security Report*, 2015; UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013.

<sup>(424)</sup> Dawn, *Punjabi Taliban call off armed struggle in Pakistan*, 13 September 2014.

<sup>(425)</sup> IRBC, *Pakistan: the Sipah-e-Sahaba (SSP), including its activities and status (January 2003-July 2005)*, 26 July 2005; Dawn, *2009: Southern Punjab extremism battle between haves and have-nots*, 21 May 2011; NOREF, *Sectarian violence: Pakistan's greatest security threat?*, 9 August 2012; Ahmed, Rashid, *Descent into Chaos*, 2008, pp. 227-228; Roul, A., *Sipah-e-Sahaba: Fomenting Sectarian Violence in Pakistan*, 5 May 2005.

<sup>(426)</sup> New York Times (The), *Banned Group's Leader Given Pakistani Parliament Seat After Vote Dispute*, 10 April 2010.

<sup>(427)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012, p. 38.

<sup>(428)</sup> South Asia Terrorism Portal (SATP), *Incidents and Statements involving Sipah-e-Sahaba Pakistan: 2015*, 2015.

<sup>(429)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012.

The SSP is reportedly not only a militant group with about 6 000 members and a party with one million members, but it also has a student wing, an insurance company, many offices and a nation-wide network <sup>(430)</sup>.

**Lashkar-e-Jhangvi (LeJ)** is a Deobandi terrorist group founded in 1996, when a number of militants led by Riaz Basra, Akram Lahori and Malik Ishaq broke away from Sipah-e-Sahaba Pakistan. LeJ is not a political party; it is a purely paramilitary organisation. Some claim that its creation was prompted by the 1994 establishment of Sipah-e-Mohammed Pakistan (SMP) a Shiite militant group that targeted leaders of the SSP. There is also a theory that the LeJ was formed as the militant wing of the SSP to carry out attacks against the Shia community and that it became independent when it gained more proficiency. In the following years LeJ became a strong terrorist organisation, responsible for 350 violent attacks prior to 2001. In later years there were bombings on Shiite mosques. Just like SSP, Lashkar-e-Jhangvi has cordial relations with Jaish-e-Muhammad <sup>(431)</sup>.

LeJ was placed on the US terrorist list in 2000 and was banned by President Musharraf in 2001 <sup>(432)</sup>. Its underground violent activities continued unabated, especially against members of the Hazara community in Quetta <sup>(433)</sup>. In February 2013 Pakistani authorities arrested Malik Ishaq after LeJ had bombed a marketplace in Quetta and killed more than 80 Shiite civilians <sup>(434)</sup>.

Although most of the LeJ violence targets Shiites, the organisation also cultivates a radical stance against Christians, Ahmadi and Sufi Muslims <sup>(435)</sup>. According to South Asia Terrorism Portal (SATP) attacks by LeJ members continued into 2015. In January 2015 Pakistani authorities executed several convicted activists of LeJ <sup>(436)</sup>. Not much is known about the LeJ's financial resources. But like the SSP, the LeJ has also benefited from contributions made by other Deobandi groups and sympathisers in Saudi Arabia and Pakistan <sup>(437)</sup>.

**Lashkar-e-Islam (LI)** is a small militant organisation active in the Khyber Agency of FATA, where it conducted 63 attacks in 2014, mainly on shrines, security forces and leaders of rival sectarian groups. LI was banned in June 2008. Pakistani military operations in 2014 seem to have crippled the group's operational capabilities <sup>(438)</sup>.

**Sipah-e-Muhammad Pakistan (SMP)** is a Shia militant group whose aim is to protect the Shiite community and target hostile Sunni Deobandi organisations such as SSP and LeJ. SMP is a radical offshoot of a mainstream Shia political party, the Tehrik-e-Jaferia Pakistan <sup>(439)</sup>. The origins are unclear but it was probably founded in about 1993 by Maulana Mureed Abbas Yazdani. Its current leader is Ghulam Raza Naqvi and the organisation claims to have some 30.000 activists <sup>(440)</sup>. SMP was outlawed in Pakistan in August 2001 <sup>(441)</sup>. Karachi and Quetta are the two major cities where the SMP carried out most of its attacks <sup>(442)</sup>.

### Nationalist insurgent groups

The **Balochistan Liberation Army (BLA)** is a Baloch nationalist guerrilla organisation. Its objective is an independent Balochistan, free of Pakistani and Iranian rule. Due to violence, including bombings, it was outlawed in Pakistan in

<sup>(430)</sup> Hussain Zahid, *Frontline Pakistan, The struggle with militant Islam*, 2007, p. 92.

<sup>(431)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012, pp. 40-42; Dawn, *Pakistan bans 25 militant organizations*, 6 August 2009; Intellibriefs, *Lashkar-e-Jhangvi: Sectarian Violence in Pakistan and Ties to International Terrorism*, 3 June 2005; UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013.

<sup>(432)</sup> BBC, *Pakistani group joins US terror list*, 30 January 2013.

<sup>(433)</sup> Dawn, *Lashkar-i-Jhangvi claims responsibility: 13 lives lost in brutal attack on Shia pilgrims*, 28 June 2012; HRW, *'We Are The Walking Dead'. Killings of Shia Hazara in Balochistan*, Pakistan, 30 June 2014.

<sup>(434)</sup> CNN, *Leader of militant group arrested in Pakistan, police say*, 23 February 2013.

<sup>(435)</sup> Roggio, B., *State designates leader of Lashkar-e-Jhanghvi as global terrorist*, 6 February 2014.

<sup>(436)</sup> SATP, *Incidents and Statements involving Lashkar-e-Jhangvi: 2015*, 2015.

<sup>(437)</sup> CSIS, *Religion and militancy in Pakistan and Afghanistan*, June 2012.

<sup>(438)</sup> Dawn, *Pakistan bans 25 militant organisations*, 6 August 2009; Express Tribune (The), *List of banned organisations in Pakistan*, 24 October 2012; PIPS, 2014, *Pakistan Security Report*, 2015.

<sup>(439)</sup> Dawn, *Pakistan bans 25 militant organisations*, 6 August 2009; Roul, A., *Sipah-e-Sahaba: Fomenting Sectarian Violence in Pakistan*, 5 May 2005; UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013.

<sup>(440)</sup> SATP, *Sipah-e-Mohammed Pakistan, Terrorist Group of Pakistan*, 2015.

<sup>(441)</sup> Express Tribune (The), *List of banned organisations in Pakistan*, 24 October 2012.

<sup>(442)</sup> PIPS, 2014, *Pakistan Security Report*, 2015.

April 2006<sup>(443)</sup>. Its current leader is Nawabzada Marri<sup>(444)</sup>. In June 2013 BLA attacked and damaged the historic residence in Ziarat where Mohammed Ali Jinnah spent his last days, killing one person<sup>(445)</sup>. In 2014 it carried out 113 terrorist attacks<sup>(446)</sup>.

While BLA is the main Balochi insurgent group there are several smaller Balochi outfits that occasionally attack Pakistani targets including the Baloch Liberation Front (BLF), its offshoot the United Baloch Army (UBA), Lashkar-e-Balochistan and the Baloch Republican Army. The latter mainly consists of Bugti tribesmen<sup>(447)</sup>.

### 2.1.3 Recent security trends and armed confrontations

According to the 2014 report of the Pakistani Institute for Peace Studies (PIPS), 1 206 terrorist attacks were carried out by militant, nationalist/insurgent and violent sectarian groups in Pakistan in 2014. This is a decrease by 30 % from 2013.

As many as 436 of the total reported terrorist attacks (about 36 percent) exclusively targeted personnel, convoys and check-posts of security forces and law enforcement agencies. Civilians were the apparent targets of 217 attacks (18 %). A total of 157 attacks (13 %) had sectarian targets, mainly members of the Shia and Sunni communities and worship places including mosques and shrines. Another 66 terrorist attacks targeted pro-government tribesmen, members of tribal peace committees and lashkars, 56 attacks were aimed at political leaders and workers while 40 targeted educational institutions, mainly schools. Other targets hit by terrorists during the previous year included state installations such as gas pipelines, power pylons and railways (a total of 121 attacks), polio health workers (24 attacks), NATO supply vehicles (22 attacks), government officials (11 attacks), journalists and media (11 attacks) and minority communities (8 attacks). Officials of the political administration in the FATA, tribal elders, non-Baloch settlers/workers in Balochistan, members of NGOs and civil society, private property, alleged spies and foreign interests/diplomats etc. were also targeted by terrorists in different parts of the country in 2014.

Apart from 26 suicide blasts, terrorists employed improvised explosive devices (IEDs) of different types in 516 attacks, about 43 % of all attacks. Also a considerable number of reported terrorist attacks in 2014 – 501, or 41 % – were incidents of targeted killings or shootings. Other tactics used by terrorists in 2014 included grenade blasts (79), rocket attacks (52), sabotage (18), mortar fire (12), and beheadings (2)<sup>(448)</sup>.

### 2.1.4 Anti-terrorism acts

On 24 February 2014, the government announced an internal policy for a five-year period. It mainly focused on securing urban centres and kept largely silent on the situation in the FATA and Balochistan. It referred to dialogue with all stakeholders for *madrassa* reforms, militants' rehabilitation and deradicalisation. A prime target was isolating terrorists. NACTA was supposed to streamline the fight against terrorism and carry out tasks ranging from counterterrorism to political and operational interventions. In February 2014 the government was still engaged in peace talks with the Taliban and the Security Policy proved insufficient once the military operation in North Waziristan started and the country fell victim to bloody retaliatory attacks by the militants<sup>(449)</sup>. The December 2014 terrorist attack on the Peshawar Army Public School served as a catalyst for the political consensus when Prime Minister Nawaz Sharif convened an all-parties' conference the day after the attack<sup>(450)</sup>.

This led in the same month, in consultation with all political parties, to the establishment of a National Action Plan (NAP) to eliminate terrorism from Pakistan. Key features were:

- Execution of convicted terrorists
- Establishment of speedy military trial courts for two years
- A commitment to ensure that no armed militias were allowed to function in the country

<sup>(443)</sup> Dawn, *Pakistan bans 25 militant organisations*, 6 August 2009; Express Tribune (The), *List of banned organisations in Pakistan*, 24 October 2012; ICG, *Policing Urban Violence in Pakistan, Asia Report N°255*, 23 January 2014; UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013.

<sup>(444)</sup> Pakistan Herald, *Details of Nawabzada Hyrbyair Marri*, n.d.

<sup>(445)</sup> Express Tribune (The), *BLA destroys Jinnah's Residency in Ziarat*, 16 June 2013.

<sup>(446)</sup> PIPS, *2014, Pakistan Security Report*, 2015.

<sup>(447)</sup> PIPS, *2014, Pakistan Security Report*, 2015.

<sup>(448)</sup> PIPS, *2014, Pakistan Security Report*, 2015, p. 7.

<sup>(449)</sup> PIPS, *2014, Pakistan Security Report*, 2015, p. 42.

<sup>(450)</sup> Express Tribune (The), *Fight against terrorism: Defining moment*, 25 December 2014.

- Countering hate speech and extremist material
- Choking financing for terrorists
- Ensuring that proscribed organisations did not re-emerge
- Establishing and deploying a dedicated counterterrorism force
- Taking effective steps against faith-based persecution
- Strengthening and restructuring of NACTA
- Registration and regulation of *madrassas*
- Prohibition of glorification of terrorism and terrorist organisations through the print and electronic media
- Administrative and development reforms in the FATA with immediate focus on return of IDPs
- Dismantling communication networks of terrorist organisations
- Tangible measures against abuse of the Internet and social media for terrorism
- Zero tolerance for militancy in Punjab
- Taking the ongoing operation in Karachi to its logical conclusion
- Empowering Balochistan government for political reconciliation with complete ownership by all stakeholders
- Dealing firmly with sectarian terrorists
- Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all unregistered Afghans unlawfully present in Pakistan
- Revamping and reforming the criminal justice system to strengthen counterterrorism departments including authorising the provincial Criminal Investigation Departments to intercept terrorist communications <sup>(451)</sup>.

Later in December 2014 Nawaz Sharif announced the formation of a federal counter-terrorism force with immediate effect. An operation was to be launched against terrorism in the major cities. The Prime Minister also confirmed that operation Zarb-e-Azb in the tribal areas would continue <sup>(452)</sup>.

Following the Peshawar school attack, the political and security establishment preferred to set up temporary military courts to try terrorism related offences instead of pursuing the cases via an independent judiciary. The government also introduced a series of amendments in counterterrorism laws and introduced the Protection of Pakistan Ordinance (PPO) <sup>(453)</sup>.

In March 2015 the national Coordinator of NACTA, Hamid Ali Khan, presented some of the first results of the NAP. Approximately 10 billion rupees had been confiscated from clerics and banned organisations in order to choke terror funding. In the crackdown against those accused of hate speech, the law enforcement agencies registered 5 017 cases against clerics, while 4 647 of them were arrested. More than 3 758 clerics were held in Punjab, 508 in Khyber Pakhtunkhwa, 197 in Sindh, 94 in Islamabad, 86 in Balochistan and 30 in Gilgit-Baltistan. Police also sealed 40 shops that were selling and distributing hate material <sup>(454)</sup>.

### 2.1.5 Impact of violence on civilians

#### Sources

Varying figures on civilian fatalities are provided by three different research institutions based on different definitions and variables. This makes it difficult to interpret these figures, since not all institutes outline clear methodologies.

The three research institutes that present figures about the situation in 2014 are the Pakistani Institute for Peace Studies (PIPS), the South Asia Terrorism Portal (SATP) and the Centre for Research and Security Studies (CRSS).

The **Pakistani Institute for Peace Studies (PIPS)**, established in Islamabad, was founded in 2006 by its director, Muhammad Amir Rana, an expert on Pakistani security issues <sup>(455)</sup>. PIPS puts ‘attacks’ into five categories:

<sup>(451)</sup> Express Tribune (The), *Fight against terrorism: Defining moment*, 25 December 2014; Washington Post (The), *Pakistan announces a national plan to fight terrorism, says terrorists’ days are numbered*, 24 December 2014.

<sup>(452)</sup> Dawn, *Nawaz constitutes special committee to implement national Action Plan*, 26 December 2014.

<sup>(453)</sup> Dawn, *Military Courts part of National Action Plan: PM Nawaz*, 30 December 2014; PIPS, *2014, Pakistan Security Report*, 2015.

<sup>(454)</sup> Express Tribune (The), *National Action Plan: Over Rs 10 billion in foreign terror and AML funds frozen*, 25 March 2015.

<sup>(455)</sup> PIPS, *PIPS Team*, n.d.; Gunaratna, R. and Iqbal, K., *Pakistan, terrorism ground zero*, 2011; Telegraph (The), *Pakistani children are victims of their leaders’ mistakes*, 16 December 2014.

(i) terrorist attacks including militant attacks, nationalist insurgent attacks and sectarian-related attacks; (ii) incidents of ethno-political violence; (iii) cross-border attacks; (iv) drone attacks; and (v) operational attacks by security forces against militants <sup>(456)</sup>.

The **South Asia Terrorism Portal (SATP)** is a website run by the Institute for Conflict Management, a non-profit organisation set up in 1997 in New Delhi. Headed by its founder K.P.S. Gill, former Director General of Indian Punjab Police, it is committed to the continuous evaluation and resolution of problems of internal security in South Asia. SATP has established 'a comprehensive, searchable and continuously updated database on all available information relating to terrorism, low intensity warfare and ethnic/communal/sectarian strife in South Asia' <sup>(457)</sup>.

The **Centre for Research and security Studies (CRSS)** is a Pakistani research institute that analyses politics in the country. Established in 2008, it is based in Islamabad and headed by Imtiaz Gul, a journalist and author of several books on Pakistan <sup>(458)</sup>. CRSS published a report on security in Pakistan in 2014, written by senior research associate, Mohammad Nafees, a journalist and political columnist with the Pakistani newspaper Daily Times <sup>(459)</sup>. Violence as defined by CRSS includes terrorism, militant attacks, sectarian violence, crime target killings, security operations and drone strikes <sup>(460)</sup>.

### Number of fatalities in 2014 in Pakistan

Due to the fact that the three sources use different definitions of violent attacks and of victims, it is impossible to give one overview of the impact of the violence on the population. Therefore, the following paragraphs present data from the different sources separately to allow comparison and clearer understanding of the complex situation.

According to **PIPS**, in 2014 were 2 099 incidents of violence, resulting in 5 308 deaths and 4 569 injured (including 1 723 deaths from terrorism): 1 705 civilians, 2 991 militants, 610 security (police/FC/army/levies/rangers) <sup>(461)</sup>. Compared to 2013, the number of violent incidents decreased by 18 % (from 2555 to 2099). However, these incidents caused an increasing numbers of fatalities, mainly due to the greater number of militants (2991 compared to 1647 in 2013) killed in military operations or in clashes with security forces. In addition, the **PIPS** data show that terrorist attacks (1206) accounted for nearly 60 % of all violent incidents and led to the highest amount of injured civilians. However, the overall number of people killed and injured in terrorist attacks in 2014 decreased by 30 % and 42 % respectively, compared to 2013 <sup>(462)</sup>.

Table 1 presents a breakdown of violent incidents by PIPS:

Nature of violence incidents 2014	No of incidents	No of deaths	No of injured
Terrorist attacks	1206	1723	3143
Political / ethnic violence	82	124	666
Clashes sec. forces & militants	159	699	220
Inter-tribal clashes	9	36	12
Border clashes/attacks	91	94	129
Operational attacks sec. forces	130	1930	172
Drone attacks	21	144	29
Sectarian clashes	3	2	35
Inter-militant clashes/attacks	36	128	61
Criminal gangs clashes	14	37	58
Clashes sec. forces & criminal gangs	39	74	6
Communal violence	7	7	5
Abduction by nationalist insurgents	7	0	0

<sup>(456)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 3.

<sup>(457)</sup> SATP, *Institute for Conflict Management, An Introduction*, n.d.

<sup>(458)</sup> Imtiaz Gul Official Website, *Biography*, n.d.

<sup>(459)</sup> CRSS, *Management*, n.d.; Daily Times, *Mohammad Nafees*, n.d.; Hindu (The), *7 655 deaths recorded in Pakistan in 2014*, 10 January 2015.

<sup>(460)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, p. 3.

<sup>(461)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 10.

<sup>(462)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 7.

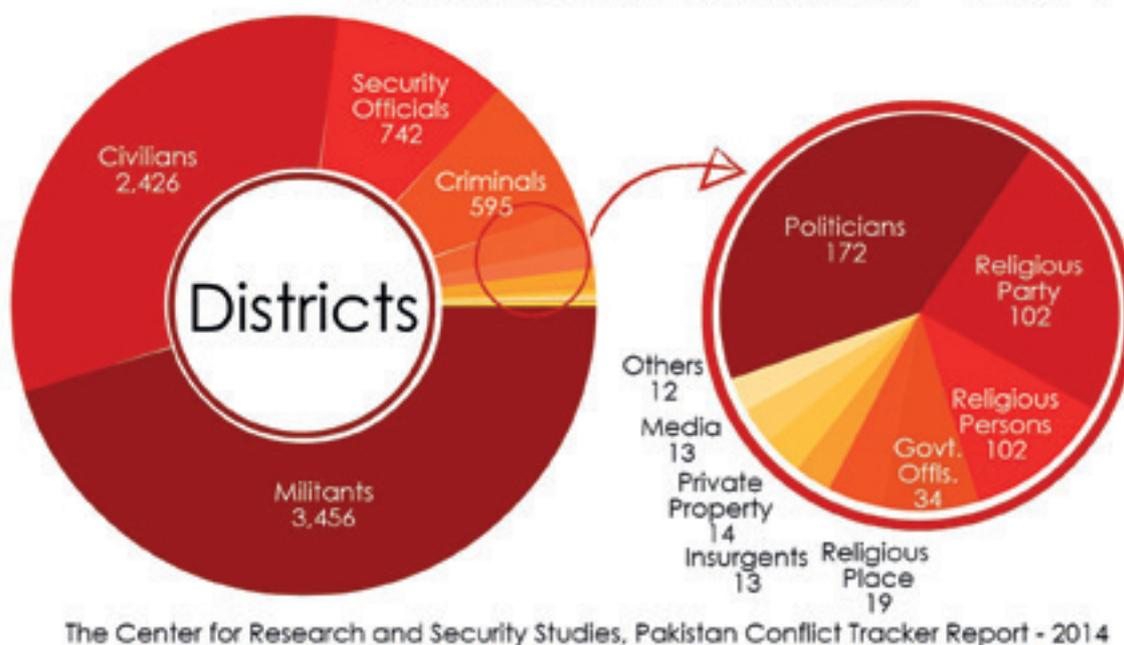
Nature of violence incidents 2014	No of incidents	No of deaths	No of injured
Abduction by militants	21	0	0
Abduction by criminal gangs	1	2	0
Tribesmen-militant clashes	9	48	24
Unsuccessful & foiled terror bids	137	14	8
Recovery of dead bodies	127	246	1
Total 2014	<b>2099</b>	<b>5308</b>	<b>4569</b>
Total 2013	2555	4725	6932

**Table 1: Overall incidents of violence (PIPS 2014) <sup>(463)</sup>**

SATP mentions 5 496 fatalities in ‘terrorist violence’ in 2014 (1781 civilians, 533 security, 1702 terrorists/insurgents). Compared to 2013 (5379 deaths), this number is slightly higher, due to a near doubling of killed terrorists/insurgents and a near halving of civilian deaths (3001 civilians, 676 security, 1702 terrorists/insurgents). SATP is the only institute that provides figures for 2015: until April 12, it recorded 1 263 fatalities. Of these 339 were civilians, 103 security force personnel and 821 terrorists/insurgents <sup>(464)</sup>.

Data provided by CRSS show 7 650 deaths and 3 946 injured persons in 2014 from violence in 2014 (including 516 from terrorism): 2 426 civilians, 3 456 militants, 742 security officials, and 1 026 others (such as criminals, politicians, religious persons and media, see Figure 1). In addition, 2420 civilians were injured, making the civilian population the main victim (dead and wounded) of the violence in 2014 <sup>(465)</sup>. Compared to 5 687 deaths in 2013 this is an average increase of about 35 %.

## Victims of Violence-Related Deaths in Pakistan - 2014



**Figure 1: Victims of violence-related deaths 2014 (CRSS) <sup>(466)</sup>**

<sup>(463)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 7.

<sup>(464)</sup> SATP, *Fatalities in Terrorist Violence in Pakistan 2003-2015*, 12 April 2015.

<sup>(465)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 6-7.

<sup>(466)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, p. 7.

Table 2 gives a comparison of the fatalities of 2013 and 2014 between the three sources (based on the definitions described above). Although the fatalities differ among the three sources, they all indicate a steep rise in deaths of terrorists/insurgents/militants and conclude that this has been caused by the increased security operations in 2014.

2013 by source	Total No deaths	No of civilians	No of militants	No of security forces
PIPS <sup>(467)</sup>	<b>4725</b>	2399	1647	679
SATP <sup>(468)</sup>	<b>5379</b>	3001	1702	676
CRSS <sup>(469)</sup>	<b>5687</b>	4341 (civilians+security)	1346 (incl. criminals)	(742)
2014 by source	Total No deaths	No of civilians	No of militants	No of security forces
PIPS <sup>(470)</sup>	<b>5308</b>	1705	2991	610
SATP <sup>(471)</sup>	<b>5496</b>	1781	3182	533
CRSS <sup>(472)</sup>	<b>7650</b>	3625 (civilians+security)	4025 (incl. criminals)	(742)

**Table 2: Comparison of the number of fatalities in 2013 and 2014 (PIPS, SATP, CRSS)**

#### Fatalities in 2014 by month

CRSS data (Figure 2) show a sudden increase in violence in June 2014 followed by higher average levels (May: 514 fatalities, June: 958), which CRSS attributes to the start of Operation Zarb-e-Azb. The number of deaths from violence also increased towards the end of the year, significantly more than the same-month figures from 2013. The last three months in 2014 were especially violent, with a 258 % increase compared to the same period in 2013 <sup>(473)</sup>. This trend is visible in monthly data from SATP as well, although the figures differ: a spike in June (785 deaths), decreasing to 350 in August, while in November and December 2014 the fatalities increase to 584 and 681 respectively <sup>(474)</sup>.

#### Terrorist attacks 2014

According to PIPS, 436 terrorist attacks (36 % of the total of 1206) were exclusively targeted at security personnel, convoys and checkpoints in 2014. 217 attacks (18 %) targeted civilians specifically and 157 attacks (13 %) had sectarian targets, mainly Shia and Sunni believers and places of worship. The remaining attacks were targeted at tribal leaders, political leaders, schools and state installations such as gas pipelines, power pylons and railways <sup>(475)</sup>.

About 61 % (731) of all 1 206 terrorist attacks were carried out by Pakistani Taliban - mainly the Tehrik-e-Taliban (TTP) and affiliated outfits or other groups with similar objectives. At least 1 212 people were killed and another 2 088 injured in these attacks. Baloch and Sindhi nationalist insurgents carried out 334 attacks that claimed the lives of 258 people and injured 758. Sunni and Shia sectarian groups carried out 141 terrorist attacks <sup>(476)</sup>.

<sup>(467)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 10.

<sup>(468)</sup> SATP, *Fatalities in Terrorist Violence in Pakistan 2003-2015*, 12 April 2015.

<sup>(469)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 6-7, 57. In its comparison between 2013 and 2014 (p. 57), CRSS does not make a distinction between civilians and military. However, for 2014 it gives a separate figure of 742 death military/security personnel (p.7). This is included in the total figure of 3625 civilian/security deaths. Contrary to the other two sources, CRSS combines militants and criminals in one category.

<sup>(470)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 10.

<sup>(471)</sup> SATP, *Fatalities in Terrorist Violence in Pakistan 2003-2015*, 12 April 2015.

<sup>(472)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 6-7, 57.

<sup>(473)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, p. 4.

<sup>(474)</sup> SATP, *Fatalities in Terrorist Violence in Pakistan 2003-2015*, 12 April 2015.

<sup>(475)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 7.

<sup>(476)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 10.

## Violence-Related Deaths in Pakistan - 2014

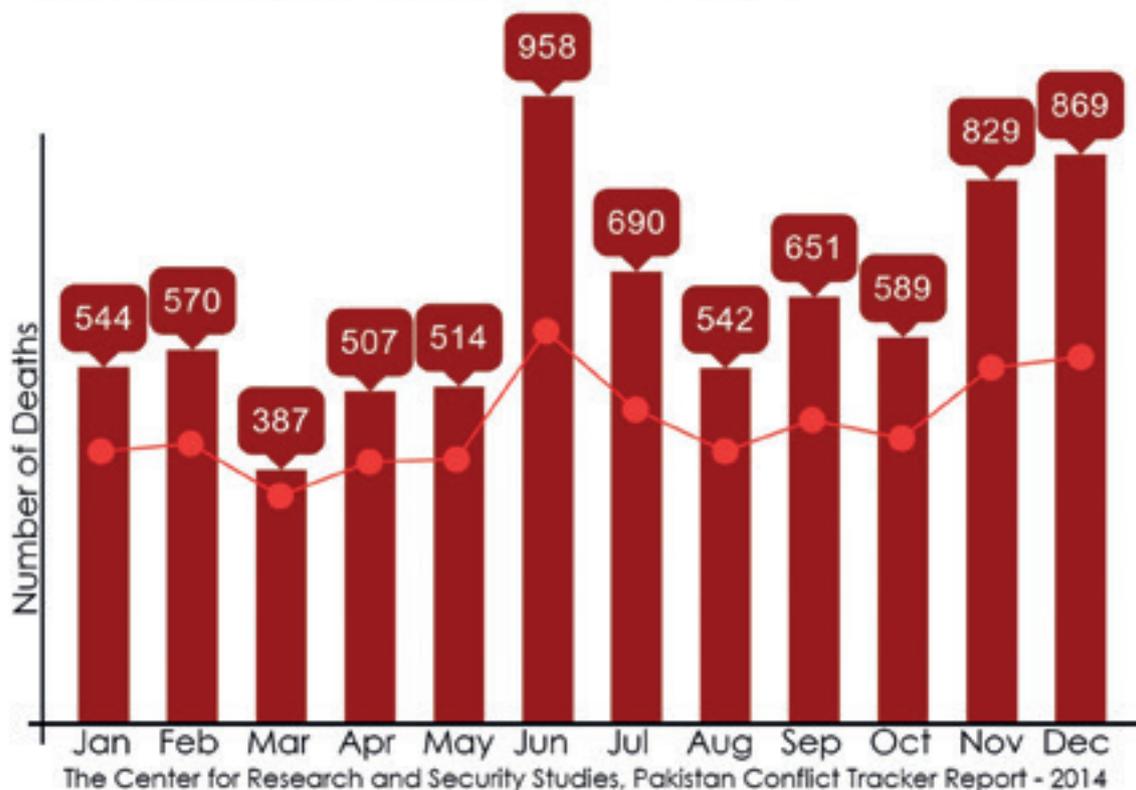


Figure 2: Violence-Related Deaths (CRSS 2014) <sup>(477)</sup>

### Regional comparison of violence 2013-2014

In this section, figures of fatalities and attacks at the regional level are given, according to the three sources. It is impossible to present the figures in one comparative table, as they use different parameters and definitions. PIPS only gives regional details for terrorist attacks, which makes up about 60 % of all violent incidents.

Figure 3 presents a comparative regional analysis by CRSS of violence-related deaths in Pakistan, in 2013 and 2014.

CRSS observed (Figure 3) the most significant increase in violence in the FATA with a second-highest number of fatalities in 2013 which more than doubled in 2014. An important reason for this marked increase was the military-led Operation Zarb-e-Azb in the North Waziristan Agency of the FATA region. The largest increase of violent deaths was in Punjab, although absolute numbers remained quite low. This increase may be partly attributed to the 2 November 2014 bombing of the Wagah border closing ceremony, which left 60 dead. KP, Balochistan and Gilgit-Baltistan (GB) saw a decrease in violence-related deaths. In Sindh, the high numbers of fatalities slightly increased. CRSS concludes that overall fatalities from violence have risen by 35 % (from 5687 in 2013 to 7650 in 2014) <sup>(478)</sup>.

<sup>(477)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, p. 3.

<sup>(478)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 4-5.

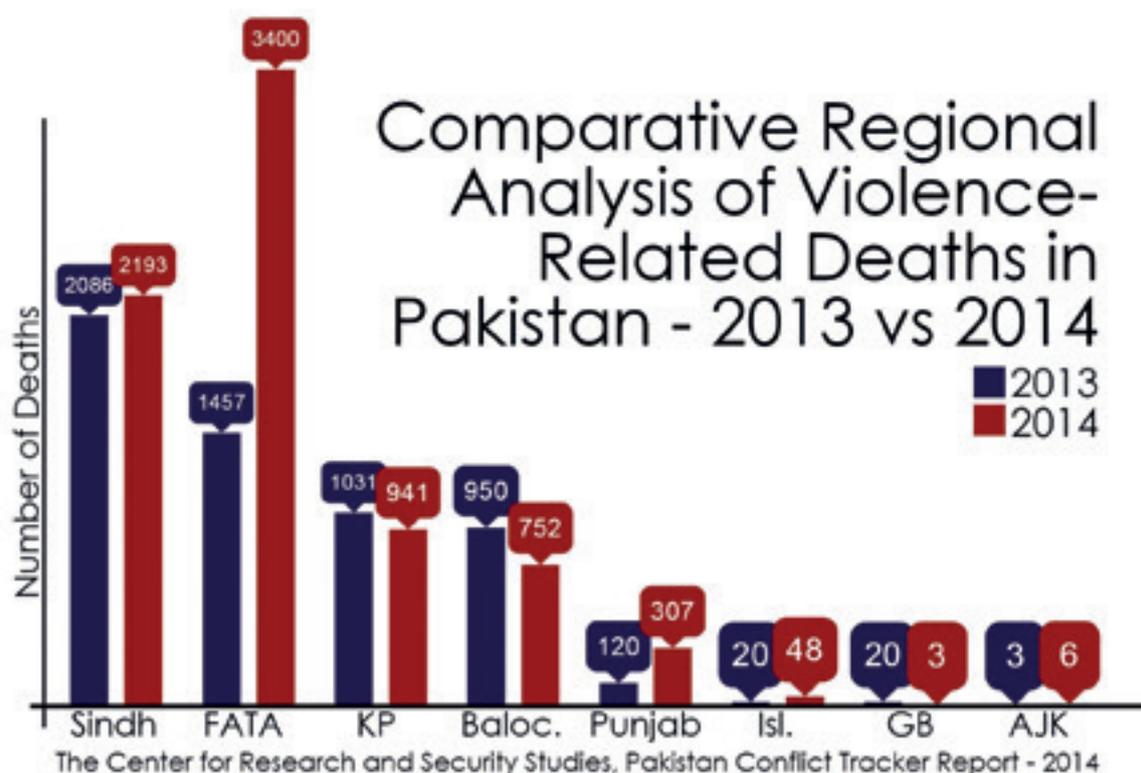


Figure 3: Comparative Regional Analysis 2013 vs. 2014(CRSS) <sup>(479)</sup>

SATP gives figures for fatalities per province in 2014, subdivided into civilians, security forces and terrorists/militants. The total number of fatalities in 2014 according to SATP is 5496, much less than CRSS (7650). This large difference is mainly due to differing fatalities from Sindh: SATP <sup>(480)</sup> mentions 1180 (including Islamabad) fatalities in 2014 whereas this is 2193 (excluding Islamabad) according to CRSS <sup>(481)</sup>. These differences might be caused by different definitions and parameters used.

However, the overall trend is generally similar, with highest fatalities in FATA, followed by Sindh, Balochistan and KP. In addition, SATP data show that the high figure of fatalities in FATA (2510 in 2014) is largely terrorists <sup>(482)</sup>.

Finally, PIPS focuses on the number of terrorist attacks (which form about 60 % of all violent incidents) and consequent fatalities per province, and indicates percentage changes in 2014 compared to 2013 (Table 3). Compared to 2013, PIPS notes a major decrease in the figures of terrorist incidents and fatalities in 2014 of 30 % overall, except in Islamabad and Punjab where the figures had sharply increased. Balochistan and KP were the most affected by terrorist attacks in 2014, with 341 and 325 terrorist attacks respectively, causing 375 deaths in Balochistan and 542 in KP. FATA occupied the third position with 234 attacks, claiming 293 deaths and 389 injured <sup>(483)</sup>.

<sup>(479)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, p. 5.

<sup>(480)</sup> SATP, *Fatalities in Terrorist Violence in Pakistan 2003-2015*, 12 April 2015.

<sup>(481)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, p. 5.

<sup>(482)</sup> SATP, *Fatalities in Terrorist Violence in Pakistan 2003-2015*, 12 April 2015.

<sup>(483)</sup> PIPS, *2014, Pakistan Security Report*, 2015, p. 7.

Region	No of terrorist incidents	% change	No of killed	% change	No of injured	% change
Balochistan	341	30% ↓	375	48% ↓	926	41% ↓
FATA	234	20% ↓	293	31% ↓	389	58% ↓
Gilgit-Baltistan	3	40% ↓	3	81% ↓	12	140% ↑
Islamabad	14	250% ↑	44	780% ↑	212	4140% ↑
Karachi	217	39% ↓	317	35% ↓	438	52% ↓
KP	325	35% ↓	542	23% ↓	829	52% ↓
Punjab	41	8% ↑	126	168% ↑	274	92% ↑
Sindh (excl. Karachi)	31	9% ↓	23	26% ↓	63	48% ↓
<b>Total</b>	<b>1206</b>	<b>30% ↓</b>	<b>1723</b>	<b>30% ↓</b>	<b>3143</b>	<b>42% ↓</b>

**Table 3: Terrorist attacks by region - 2014 vs. 2013 (PIPS) <sup>(484)</sup>**

### Internally Displaced Persons (IDPs)

Apart from the civilian casualties, fighting in the tribal areas has created a steady stream of IDPs. Since 2008, almost five million people from KP and the FATA have been registered as IDPs, uprooted in various waves. Many were able to return after the fighting subsided. However, in the autumn of 2014 approximately one million people were still displaced and in need of humanitarian assistance and support. Additionally, operation Zarb-e-Azb in North Waziristan forced many local families to flee. The majority of the displaced families have sought refuge in Bannu, with some moving to Dera Ismail Khan, Lakki Marwat, Kohat Karak, Hangu and Charsadda in KP. Others moved to Sindh province <sup>(485)</sup>.

The statistics of the United Nations High Commission for Refugees (UNHCR) in 2015 are as follows: the 714 548 registered IDPs in Pakistan in need of humanitarian assistance in 2014 have been joined by an additional 500 000 IDPs as a result of the North Waziristan emergency. In addition Pakistan still hosts 1.5 million refugees from Afghanistan <sup>(486)</sup>.

Return of refugees and IDPs occurs at a slow pace. In March 2015 a number of IDPs returned to South Waziristan <sup>(487)</sup>.

The following sections will focus in more detail on the security situation per province.

## 2.2 FATA and Khyber Pakhtunkhwa

In recent years both the FATA and Khyber-Pakhtunkhwa have been the scene of large-scale operations by the Pakistani armed forces to eradicate militant activity. In 2009 the army engaged in a series of military operations against TPP in KP. This offensive was marked by human rights violations and arbitrary arrests <sup>(488)</sup>, and the hostilities caused a large wave of displacements <sup>(489)</sup>. In the next couple of years the Pakistani military maintained a heavy presence in the area but the scale and intensity of operations diminished. The local Taliban went underground and continued its activity via terror attacks and targeted killings in KP <sup>(490)</sup>. In the FATA the Pakistani army has conducted military operations since 2004. As in KP this led to a series of human-rights violations and a significant wave of displacement <sup>(491)</sup>. By

<sup>(484)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 9.

<sup>(485)</sup> Al Jazeera, *Pakistan's IDPs reach record one million*, 1 September 2014; Dawn, *Experts, politicians express concern over IDP crisis*, 16 July 2014; Dawn, *Number of IDPs may reach 600 000: Baloch*, 25 June 2014.

<sup>(486)</sup> UNHCR, *2015 UNHCR country operations profile - Pakistan*, n.d.

<sup>(487)</sup> Al Jazeera, *Pakistan's IDPs come home to the Taliban heartland*, 21 March 2015.

<sup>(488)</sup> AI, *Pakistan: Investigate deaths in lawless Tribal Areas*, 17 January 2013; RFE/RL, *Rights Group Says 2 000 Men Missing In Pakistan*, 15 October 2013.

<sup>(489)</sup> ICG, *Pakistan: The Worsening IDP Crisis*, *Asia Briefing N° 111*, 16 September 2010.

<sup>(490)</sup> ICG, *Pakistan: Countering Militancy in PATA*, *Asia Report N° 242*, 15 January 2013; Landinfo, *Pakistan: Sikkerhetsrelaterte forhold i Khyber Pakhtunkwa (KPK) og Federally Administered Tribal Areas (FATA)*, 8 November 2013.

<sup>(491)</sup> AI, *'As if hell fell on me', the human rights crisis in northwest Pakistan*, 10 June 2010; ICG, *Pakistan: The Worsening IDP Crisis*, *Asia Briefing N° 111*, 16 September 2010.

2014 only the North Waziristan agency was still controlled by Tehrik-e-Taliban Pakistan. The military operation Zarb-e-Azb sought to eradicate the Taliban's power in this last stronghold<sup>(492)</sup>. The militants responded with terror attacks in the FATA and more widely Pakistan<sup>(493)</sup>.

## 2.2.1 Khyber Pakhtunkhwa (KP)

As shown in [Table 3](#), Khyber-Pakhtunkhwa saw 325 terrorist attacks in 2014, compared to 499 in 2013. TTP or associated groups carried out 308 of the 325 terrorist attacks, while 17 attacks were sectarian and mostly perpetrated by TTP and Lashkar-e-Jhangvi. Peshawar was the most affected part of the province, just like in 2013. These terrorist attacks targeted civilians, security forces, educational institutions (such as the Peshawar army school), health workers, the Shia religious community, political leaders/workers, tribesmen, power installations, government officials and buildings, Sikh community, places of worship, CD shops etc. Charsadda was the second most targeted area of KP, followed by Bannu<sup>(494)</sup>.

Beside terrorist attacks, KP also witnessed ethnic/political violence, clashes between security forces and militants, inter-tribal clashes, Pakistan-Afghan border attacks, inter-militant clashes, abductions by militants and militants-tribesmen clashes<sup>(495)</sup>.

Methods of violence used included executions, bomb explosions, abductions where captors were killed and their bodies dumped, suicide attacks, hand-grenade attacks, armed attacks, indiscriminate firing, IED explosions and cross-border attacks. The counter violence operation carried out by security agencies in the province featured air raids and clashes with militants. Custodial deaths were reported in the province as well<sup>(496)</sup>.

Estimates for fatalities from violent attacks show a downward trend compared with 2013, (see [Table 2](#))<sup>(497)</sup>. The level of violence declined from March 2014, until the devastating attack on the Army Public School in Peshawar on 16 December 2014 (see section [2.1.1 History](#))<sup>(498)</sup>. In the first 45 days of 2015, 55 fatalities were counted. The deadliest incident occurred on 13 February when a suicide squad attacked a Shia mosque in Peshawar, killing 22 worshippers<sup>(499)</sup>.

## 2.2.2 FATA

In the FATA, 234 terrorist attacks were counted in 2014, 20 % less than in 2013<sup>(500)</sup>. Most of the actions were launched by the TTP, associated groups and Khyber Agency-based sectarian groups such as Lashkar-e-Islam. The Khyber Agency remained the area most affected by terrorist attacks in the FATA, followed by Mohmand, Bajaur and North Waziristan. The heavy fighting between the army and militants caused most casualties. Apart from military manoeuvres there were also inter-militant clashes, cross-border attacks and drone strikes<sup>(501)</sup>.

The number of fatalities in the FATA increased considerably in 2014 due to the large military operation which started mid-June (see [Figure 2](#))<sup>(502)</sup>. Methods of violence used by militants included armed attacks, executions, IEDs and landmines, abductions where captors were killed and their bodies dumped, bomb explosions, mortar and rocket attacks, beheadings and hangings. The security agencies resorted to air raids, clashes and shelling<sup>(503)</sup>.

Though exact information is difficult to obtain, SATP believes that in the first two and a half months of 2015 at least 411 were killed, of whom 356 were terrorists. The military made extensive use of aircraft to bomb rebel positions

<sup>(492)</sup> Dawn, *Zarb-e-Azb operation: 120 suspected militants killed in N Waziristan*, 16 June 2014.

<sup>(493)</sup> Guardian (The), *Dozens killed at suicide attack at Pakistan-India border post*, 2 November 2014; New York Times (The), *Taliban Besiege Pakistan School, Leaving 145 Dead*, 16 December 2014; SATP, *FATA timeline – 2015*, n.d.

<sup>(494)</sup> PIPS, 2014, *Pakistan Security Report, 2015*, p. 13.

<sup>(495)</sup> PIPS, 2014, *Pakistan Security Report, 2015*, p. 13.

<sup>(496)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014, 2015*, p. 40.

<sup>(497)</sup> PIPS, 2014, *Pakistan Security Report, 2015*, p. 13; CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014, 2015*, pp. 4-5; SATP, *Khyber-Pakhtunkhwa Assessment – 2015*, n.d.

<sup>(498)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014, 2015*, p. 38.

<sup>(499)</sup> SATP, *Khyber-Pakhtunkhwa Assessment – 2015*, n.d.

<sup>(500)</sup> PIPS, 2014, *Pakistan Security Report, 2015*, p. 14.

<sup>(501)</sup> PIPS, 2014, *Pakistan Security Report, 2015*, p. 14.

<sup>(502)</sup> PIPS, 2014, *Pakistan Security Report, 2015*, p. 14; CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014, 2015*, p. 34; SATP, *FATA assessment – 2015*, n.d.

<sup>(503)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014, 2015*, pp. 36-37.

during operation Zarb-e-Azb in North-Waziristan and operation Khyber I in Khyber Agency. Rebel groups apparently united when confronted with this threat. The high number of casualties is not expected to fall in the immediate future <sup>(504)</sup>. SATP offers a detailed timeline of all incidents in KP and FATA <sup>(505)</sup>.

### Security situation and IDPs in KP

In spite of frequent terrorist attacks, the situation in KP has improved markedly compared to the 2008-2009 period <sup>(506)</sup>. This is shown by a decline in military activity in the province and the falling number of IDPs. In 2014, about 104 000 IDPs returned <sup>(507)</sup>. However, their socio-economic recovery is slow, partly due to the damage to agricultural infrastructure <sup>(508)</sup>.

### Security situation and IDPs in FATA

The situation in the FATA remains more volatile than in KP. Military operations in North-Waziristan in 2014 caused a new wave of IDPs <sup>(509)</sup> although figures vary. UNHCR states that approximately half a million IDPs fled the North Waziristan fighting <sup>(510)</sup>. The Internal Displacement Monitoring Centre (IDMC), however, reports that the number of IDPs is often underestimated and says that more than 900 000 IDPs may have fled due to the violence caused by operations Zarb-e-Azb (North Waziristan) and Khyber I (Khyber). The majority of these people do not live in IDP camps but settle in host communities in KP. Some have moved to Afghanistan <sup>(511)</sup>.

IDPs prepared to return to the areas declared safe face many obstacles. There are numerous checkpoints, curfews and shoot-on-sight orders from the military, which does not always seem to differentiate between militants and non-combatants, according to IDPs. In addition, houses have been damaged, there is a lack of health and educational facilities, shortages of water and electricity and limited business and employment opportunities <sup>(512)</sup>. Despite this, in mid-March 2015 the Pakistani authorities revealed a plan for a swift return of IDPs to their homes in the FATA <sup>(513)</sup>. In March 2015 hundreds of IDPs returned to South Waziristan <sup>(514)</sup>.

## 2.3 Balochistan

The violent death, in 2006, of nationalist frontrunner and tribal head Nawab Akbar Bugti sparked unrest. Since then, the two biggest militant groups, the Baloch Liberation Army (BLA) and the Baloch Liberation Front (BLF), have staged increasing numbers of attacks on government targets and on Punjabi settlers. The authorities have reacted strongly. According to a Crisis Report and Briefing (2006, 2007) cited by ICG, the Frontier Corps have abducted, tortured and killed hundreds of Balochi sympathisers <sup>(515)</sup>. Apart from a nationalist uprising, Balochistan is also plagued by sectarian violence. The local Shia community, mostly Hazara, has become increasingly victim to terrorist attacks. From 2003 to 2014 about 550 Hazara died in this violence, mostly in Quetta. It is generally assumed that Lashkar-e-Jhangvi is responsible. The death toll has mounted in the last couple of years. On 10 January 2013 a car bomb killed more than 100 Shia while on 17 February 2013 another bomb left more than 80 dead in Quetta's Hazara town <sup>(516)</sup>.

Balochistan counted 341 terrorist attacks in 2014 compared to 487 the previous year (a 30 % decrease). Baloch insurgent groups carried out 306 of these attacks, mainly the BLA, the BLF and also smaller groups such as the Baloch Republican Army (BRA), the United Baloch Army (UBA) and Lashkar-e-Balochistan. The Balochi chapter of TPP and associated militant groups also conducted terrorist operations, 20 in total, of which 15 were sectarian-related.

<sup>(504)</sup> SATP, *FATA assessment – 2015*, n.d.

<sup>(505)</sup> SATP, *FATA timeline – 2015*, n.d.; SATP, *Khyber-Pakhtunkhwa Timeline – 2015*, n.d.

<sup>(506)</sup> Landinfo, *Pakistan: Sikkerhetsrelaterede forhold i Khyber Pakhtunkhwa (KPK) og Federally Administered Tribal Areas (FATA)*, 8 November 2013; SATP, *Khyber-Pakhtunkhwa Assessment – 2015*, n.d.

<sup>(507)</sup> IDMC, *Pakistan IDP Figures Analysis*, 31 March 2015.

<sup>(508)</sup> IPS, *Barren Fields Recover From Taliban*, 30 December 2013.

<sup>(509)</sup> Al Jazeera, *Pakistan's IDPs reach record one million*, 1 September 2014; Dawn, *Experts, politicians express concern over IDP crisis*, 16 July 2014.

<sup>(510)</sup> UNHCR, *2015 UNHCR country operations profile - Pakistan*, n.d.

<sup>(511)</sup> IDMC, *Pakistan IDP Figures Analysis*, 31 March 2015.

<sup>(512)</sup> Dawn, *Bara IDPs hesitant to return home*, 13 December 2014.

<sup>(513)</sup> Dawn, *IDPs to start returning to their areas tomorrow*, 15 March 2015.

<sup>(514)</sup> Al Jazeera, *Pakistan's IDPs come home to the Taliban heartland*, 21 March 2015.

<sup>(515)</sup> ICG, *Policing Urban Violence in Pakistan, Asia Report N°255*, 23 January 2014.

<sup>(516)</sup> HRW, *'We Are The Walking Dead'. Killings of Shia Hazara in Balochistan, Pakistan*, 30 June 2014, pp. 2-3; ICG, *Policing Urban Violence in Pakistan, Asia Report N°255*, 23 January 2014.

Extremist groups including Lashkar-e-Janghvi and Sipah-e-Sahaba launched targeted attacks on Hazara Shia. Quetta was most affected by terrorists, followed by Dera Bugti. Apart from terrorist attacks, Balochistan also suffered from 13 operational attacks and 27 clashes between security forces and militants, some cross-border attacks with Iran and Afghanistan and 5 intra-tribal clashes (see section 2.1.5 [Regional comparison of violence 2013-2014](#))<sup>(517)</sup>. Apart from terrorist attacks, the number of violent incidents in general was 20 % less than the previous year<sup>(518)</sup>.

A number of 105<sup>(519)</sup> or 153<sup>(520)</sup> bodies were recovered in different parts of Balochistan in 2014. The identities of most of those killed and their killers were unknown<sup>(521)</sup>. SATP observed a relentless strategy by the state's covert agencies to target Baloch nationalists and their sympathisers with campaigns of 'disappearances', and a 'kill and dump' policy, both directly and through sectarian/extremist proxies in Balochistan. This was particularly the case in the southern regions of the province. According to SATP, thousands were missing. The dumping of bodies has been going on in 2015 as well<sup>(522)</sup>.

The high number of extrajudicial killings is one of the major impediments to peace<sup>(523)</sup>. There has been a decline in terrorism-related incidents and fatalities, with 607 in 2014 compared to 960 in 2013. A new extremist group called Tanzim-ul-Islam-al-Furqan (TIF) surfaced recently threatening girls' schools. TIF killed a school teacher in May 2014<sup>(524)</sup>. The fighting in Balochistan is usually referred to as a low-level insurgency<sup>(525)</sup>.

## IDPs

In 2006, when President Pervez Musharraf launched a military operation in the Marri and Bugti tribal areas, it caused a wave of about 100 000 IDPs who fled to neighbouring districts<sup>(526)</sup>. In recent years there has not been a massive increase in numbers of IDPs, although numbers differ. One source speaks of about 5 000 IDPs from Kech, Punjgur and Awaran who seem to have settled in adjacent districts in the second half of 2014<sup>(527)</sup>. SATP however observes that the insecure situation in Balochistan and the rise of extremism in the province has in recent years prompted tens of thousands of Shias, Zikris and Hindus to migrate to other parts of Pakistan<sup>(528)</sup>.

## 2.4 Punjab

The violence in Punjab is much more limited than that in Sindh, the FATA and KP<sup>(529)</sup>. The number of terrorist attacks in Punjab (41) was very similar in 2014 compared to 2013, even though the number of casualties increased significantly. The provincial capital Lahore suffered most casualties<sup>(530)</sup>. The most deadly attack was the 2 November suicide bombing of the flag-ceremony at the Wagah border post, which claimed 60 lives<sup>(531)</sup>. In 2014, there was a rise in violent incidents and fatalities in Punjab compared to 2013 (although sources do not agree on the extent of the increase: 21 %<sup>(532)</sup> or 156 %<sup>(533)</sup>), see section 2.1.5 [Regional comparison of violence 2013-2014](#). The reported violent incidents include terrorist attacks, clashes between security forces and militants, incidents of ethnic/political violence, sectarian clashes, communal violence, abductions and murder attempts on political leaders<sup>(534)</sup>.

<sup>(517)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 16.

<sup>(518)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 30-32.

<sup>(519)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 16.

<sup>(520)</sup> SATP, *Balochistan assessment – 2015*, n.d.

<sup>(521)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 16.

<sup>(522)</sup> SATP, *Balochistan assessment – 2015*, n.d.

<sup>(523)</sup> AHR, *Balochistan; 160 persons extra judicially killed, 510 disappeared and 50 decomposed bodies were found during 2013*, 8 January 2014.

<sup>(524)</sup> SATP, *Balochistan assessment – 2015*, n.d.

<sup>(525)</sup> Freedom House, *Freedom in the World 2011 - Pakistan*, 26 July 2011; International Affairs Review, *Pakistan's Baloch insurgency: History, conflict drivers and regional implications*, 2012.

<sup>(526)</sup> Daily Times, *Comment: Balochistan unattended IDP crisis*, 31 October 2010; South Asians for Human Rights, *Internally Displaced Persons: a report on the fact finding mission to Balochistan in 2008*, 2008.

<sup>(527)</sup> Sharnoff's Global Views, *The tragic status of IDPs in Balochistan*, 18 December 2014.

<sup>(528)</sup> SATP, *Balochistan assessment – 2015*, n.d.

<sup>(529)</sup> Landinfo, *Pakistan: Sikkerhetsrelaterte forhold - Balochistan, Sindh og Punjab*, 16 October 2013.

<sup>(530)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 22; CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 42-44.

<sup>(531)</sup> Dawn, *TTP splinter groups claim Wagah attack: 60 dead*, 03 November 2014; Guardian (The), *Dozens killed at suicide attack at Pakistan-India border post*, 2 November 2014.

<sup>(532)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 23.

<sup>(533)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 42-44.

<sup>(534)</sup> PIPS, 2014, *Pakistan Security Report*, 2015, p. 23.

Actors of violence include TTP who claimed responsibility for killing three Shia political activists on 16 January, 2015 in Rawalpindi. A week earlier eight Shia worshippers died in a bomb blast in a religious site, carried out by an organisation affiliated with the TTP<sup>(535)</sup>. In 2014 the Punjabi Taliban was responsible for two terrorist attacks. In September 2014 Muawiya first declared he wanted to shift his militant activities from Pakistan to Afghanistan<sup>(536)</sup>, and some days later announced an end to the armed struggle in Pakistan<sup>(537)</sup>. A feared sectarian group is Lashkar-e-Jhangvi which, according to SATP, exerts significant influence in Punjab<sup>(538)</sup>. Its leader Malik Ishaq, accused of more than 100 sectarian murders, was released from jail by court order in December 2014 due to lack of evidence<sup>(539)</sup>.

## IDPs

There are no reports of IDPs in Punjab. In spite of the relative peace in the province there is a trend of radicalisation of the population, particularly in the south of the province where Deobandi-organisations are gaining influence<sup>(540)</sup>.

## 2.5 Sindh

In Karachi violence has been on the rise in recent years. Between 2008 and 2012 more than 7 000 people were killed in ethno-political, terrorist, sectarian and criminal conflicts which plague the city<sup>(541)</sup>.

As can be observed from [Table 3](#), Sindh had the second-highest number of casualties in the country during 2014. These figures are much higher than 2013. With 93 % of all violent deaths in Sindh, the situation in Karachi is the most significant. According to CRSS, this is partly due to the sheer size of the city, and partly due to the lack of law and order in the city. The most common (60 %) form of violence in Sindh is target killings<sup>(542)</sup>.

A significant dynamic is the ongoing power struggle between the political parties of the main demographic groups, the Muttahida Qaumi Movement (MQM, Mohajir), the Awami National Party (ANP, Pashtun) and the Pakistan People's Party (PPP, Sindhi). The armed wings of these respective formations are responsible for mutual assassinations of political leaders and workers as well as city riots and deadly clashes<sup>(543)</sup>. Moreover, the TTP and affiliated organisations are making inroads in the city<sup>(544)</sup>. On 8 June 2014 the Islamic Movement of Uzbekistan (IMU) attacked Mohammad Ali Jinnah airport in Karachi, killing 26. TTP later claimed responsibility<sup>(545)</sup>. Apart from this political violence, Karachi is the base for more than 200 heavily armed criminal gangs. Sometimes these carry out attacks for the armed wings of political parties<sup>(546)</sup>.

In 2014, 248 terrorist attacks were recorded across Sindh, of which 217 in Karachi. Among the 203 killed civilians were a considerable number of Shias and Sunnis who died in sectarian-related targeted killings. Sectarian violence in Karachi is dominated by the two enemy groups Lashkar-e-Jhangvi and Sipah-e-Muhammad Pakistan. The TTP seemed to focus on killing members of the security forces<sup>(547)</sup>. On 9 January 2014 a high-ranking police officer, Chaudry Aslam, head of the anti-extremist cell of the Sindh Criminal Investigation Department (CID) and a leading voice in the fight against the militants, was killed by a roadside bomb in Karachi. The Mohmand TTP claimed responsibility<sup>(548)</sup>. A month later the Taliban attacked a police bus, killing 13 people. Apart from security officials, militants hit a range of other targets in Karachi, including political leaders, journalists, government officials and members of civil society<sup>(549)</sup>.

<sup>(535)</sup> SATP, *Punjab assessment – 2015*, n.d.

<sup>(536)</sup> PIPS, *2014, Pakistan Security Report*, 2015; UK Home Office, *Country of Origin Information (COI) Report; Pakistan*, 9 August 2013.

<sup>(537)</sup> Dawn, *Punjabi Taliban call off armed struggle in Pakistan*, 13 September 2014.

<sup>(538)</sup> SATP, *Punjab assessment – 2015*, n.d.

<sup>(539)</sup> Dawn, *Malik Ishaq's detention ends*, 23 December 2014; News International (The), *Lashkar-e-Jhangvi leader Malik Ishaq set to be freed*, 24 December 2014.

<sup>(540)</sup> SISA, *The new frontiers: militancy and radicalism in Punjab*, 4 February 2013.

<sup>(541)</sup> USIP, *Conflict dynamics in Karachi*, 19 October 2012.

<sup>(542)</sup> CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015, pp. 46-49.

<sup>(543)</sup> Lieven, A., *Pakistan, a hard country*, 2011, pp 303, 316; USIP, *Conflict dynamics in Karachi*, 19 October 2012.

<sup>(544)</sup> BBC, *How the Taliban gripped Karachi*, 21 March 2013; New York, Times (The), *Killings Rise in Karachi as Taliban Target Police*, 11 August 2014.

<sup>(545)</sup> AP, *Pakistani forces repel attack near Karachi airport*, 10 June 2014.

<sup>(546)</sup> USIP, *Conflict dynamics in Karachi*, 19 October 2012.

<sup>(547)</sup> PIPS, *2014, Pakistan Security Report*, 2015, p. 19.

<sup>(548)</sup> Dawn, *Taliban bombing kills senior police officer Chaudhry Aslam*, 24 December 2014; News International (The), *SP CID Chaudhry Aslam martyred in Karachi bombing*, 10 January 2014.

<sup>(549)</sup> PIPS, *2014, Pakistan Security Report*, 2015, p. 19.

Ethno-political violence between members of different political groups declined compared to 2012 and 2013, partly as a result of continued security operations by law enforcement agencies. In Interior Sindh 31 terrorist attacks were carried out, most of them by Baloch and Sindhi nationalists groups. Baloch were especially active in Kashmore district. The Sindhi Desh Liberation Army (SDLA), a small Sindhi nationalist group, was involved in some sabotage in which no lives were lost. The TTP was responsible for eight incidents <sup>(550)</sup>.

The large number of civilian deaths is attributed by SATP to attacks by sectarian groups such as Sipah-e-Sahaba, Lashkar-e-Jhangvi and Sipah-e-Muhammad Pakistan and targeted killings between armed activists of the competing political parties, MQM, ANP and PPP. Criminal syndicates, who are apparently affiliated with political parties are mentioned as well. The cumulative impact of these multiple patterns of violence has made Karachi *'the most dangerous megacity'* in the world, according to a Foreign Policy report, cited by SATP <sup>(551)</sup>. On 30 January 2015 a bomb exploded in a Shia place of worship in the Shikarpur district, claiming 61 lives. Jundullah, a splinter group of TTP, claimed responsibility <sup>(552)</sup>.

## 2.6 Azad Kashmir and Gilgit-Baltistan

The Pakistan-controlled territory of Kashmir consists of Azad Jammu and Kashmir (commonly called Azad Kashmir, AK or AJK) and Gilgit-Baltistan (GB), previously named the Northern territories. Both regions have a partially autonomous administration. However, the influence of the Pakistani government and army is far-reaching, especially in AK. The latter has a population of about five million, while GB has 2 million inhabitants <sup>(553)</sup>.

In May 2013 unknown perpetrators assassinated Sardar Arif Shahid, president of the All Parties National Alliance (APNA), a movement that advocates an independent Kashmir. This led to demonstrations in several cities. Protesters held the army and ISI responsible for the murder <sup>(554)</sup>. Previously, ISI has supported pro-Pakistani Islamist groups to sideline independence movements such as the Jammu Kashmir Liberation Front (JKLF) <sup>(555)</sup>. These radical outfits included Lashkar-e-Taiba (LeT) and Jaish-e-Muhammad (JeM) <sup>(556)</sup>. Such groups, whose main objective is to fight Indian troops in Indian-administered Kashmir, have dozens of training camps scattered in Azad Kashmir <sup>(557)</sup>. LeT and JeM are violent formations and are internationally recognised terrorist organisations <sup>(558)</sup>. The LeT was held responsible for the Mumbai terrorist attack in 2008 <sup>(559)</sup>. The JeM was suspected of involvement in an attempt to assassinate President Musharraf in 2003 <sup>(560)</sup>.

There were very few attacks in AK in 2014, although there were occasional cross-border attacks along the Line of Control (LoC). In GB three sectarian attacks had been reported, killing three Shia <sup>(561)</sup>.

<sup>(550)</sup> PIPS, 2014, *Pakistan Security Report*, 2015.

<sup>(551)</sup> SATP, *Sindh assessment – 2015*, n.d.

<sup>(552)</sup> Pakistan Today, *61 Shias dead in Shikarpur imambargah bombing*, 30 January 2015.

<sup>(553)</sup> ACCORD, *Pakistan-administered Kashmir (Azad Kashmir and Gilgit-Baltistan) - COI Compilation*, 7 May 2012.

<sup>(554)</sup> BBC, *Kashmiri's protest at killing of Sardar Arif Shahid*, 16 May 2013; Express Tribune (The), *Why they killed Arif Shahid*, 30 May 2013.

<sup>(555)</sup> Lieven, A., *Pakistan, a hard country*, 2011, p. 189.

<sup>(556)</sup> UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013.

<sup>(557)</sup> Snedden, C., *The untold story of the people of Azad Kashmir*, 2012, pp. 196-198.

<sup>(558)</sup> UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013.

<sup>(559)</sup> Telegraph (The), *Pakistan details how Lashkar-e-Taiba 2008 Mumbai attack gunmen were trained*, 12 November 2012.

<sup>(560)</sup> Lieven, A., *Pakistan, a hard country*, 2011, p. 192.

<sup>(561)</sup> PIPS, 2014, *Pakistan Security Report*, 2015. Neither CRSS nor SATP mention any significant violence in AK. CRSS, *Pakistan Conflict Tracker Report/Annual Security Report 2014*, 2015; SATP (South Asia Terrorism Portal), *Jammu & Kashmir assessment – 2015*, n.d.

# 3. Human Rights Situation

## 3.1 Legal context

### 3.1.1 International treaties

Pakistan has ratified the following international treaties:

- CAT (Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment);
- CCPR (International Covenant on Civil and Political Rights);
- CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women);
- CERD (International Convention on the Elimination of All Forms of Racial Discrimination);
- CESCR (International Covenant on Economic, Social and Cultural Rights);
- CRC (Convention on the Rights of the Child);
- CRC-OP-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography);
- CRPD (Convention on the Rights of Persons with Disabilities) <sup>(562)</sup>.

### 3.1.2 National legislation

The National Commission for Human Rights, signed into law in 2012 by the National Assembly, had still not begun operating by the end of 2014 <sup>(563)</sup>. Counterterrorism legislation included the Anti-Terrorism (Amendment) Act, 2014 <sup>(564)</sup>, and the Pakistan Protection Act (PPA), which grants security forces broad powers of arrest and detention <sup>(565)</sup>. The Protection of Women (Criminal Law Amendment) 2006 Act aims to *'provide relief and protection to women against misuse and abuse of law and to prevent their exploitation'*, and criminalises rape under the Pakistan Penal Code rather than the Hudood Ordinances, thus preventing women who have been raped from being charged with adultery or fornication (*zina*) <sup>(566)</sup>.

### Constitution

For its full text plus recent amendments see The Constitution of the Islamic Republic of Pakistan <sup>(567)</sup>. 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>(568)</sup>. The 18<sup>th</sup> Amendment, passed in 2010, devolved a number of Ministries from Federal to Provincial governments <sup>(569)</sup>.

### Penal Code

For full text and recent amendments see the PPC (Pakistan Penal Code, Act XLV of 1860) <sup>(570)</sup>.

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<sup>(562)</sup> UN OCHCR, *Countries, Asia Region, Pakistan, Status of Ratifications*, n.d.

<sup>(563)</sup> FCO, *Pakistan - Country of Concern*, 12 March 2015.

<sup>(564)</sup> Pakistan, *Anti-Terrorism (Amendment) Act, 2014*.

<sup>(565)</sup> HRW, *World Report 2015, Pakistan*, 29 January 2015, p. 418.

<sup>(566)</sup> Pakistan, *Protection of Women (Criminal Laws Amendment) Act, 2006*.

<sup>(567)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

<sup>(568)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

<sup>(569)</sup> Dawn, *Is there any hope for the 18<sup>th</sup> Amendment*, 6 December 2012.

<sup>(570)</sup> Pakistan, *Penal Code (Act XLV 1860)*, 6 October 1860.

## Citizenship

The Pakistan Citizenship Act, 1951, states that Pakistan citizenship can be acquired: By birth; by descent; by migration; by naturalisation; by marriage <sup>(571)</sup>. Pakistan citizenship can be acquired in specified circumstances including: Foreign women married to Pakistani nationals; Minor children (below 21 years of age) of Pakistani women married to foreigners. Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. Pakistani citizens acquiring the nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. Pakistan has dual nationality agreements with 16 countries <sup>(572)</sup>.

## Blasphemy laws

Tabulated summary <sup>(573)</sup> of the blasphemy laws (of the PPC, amended between 1927 and 1986) and the penalties for breaching them:

Penal Code	Description	Penalty
298a	Use of derogatory remarks, etc., in respect of holy personages	Three years' imprisonment, or fine, or both
298b	Misuse of epithets, descriptions and titles etc., reserved for certain holy personages or places, by Ahmadi	Three years' imprisonment and fine
298c	An Ahmadi calling himself a Muslim, or preaching or propagating his faith, or outraging the religious feelings of Muslims, or posing himself as a Muslim	Three years' imprisonment and fine
295	Injuring or defiling places of worship, with intent to insult the religion of any class	Up to two years' imprisonment or fine, or both
295a	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs	Up to 10 years' imprisonment, or fine, or both
295b	Defiling, etc., of Holy Qur'an	Imprisonment for life
295c	Use of derogatory remarks, etc; in respect of the Holy Prophet	Death and fine

See also section [3.4 Situation of religious groups](#).

## Family and Personal laws

The Muslim Family Laws Ordinance, 1961, states that '*It extends to [the] whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be*'. The ordinance covers marriage, polygamy, divorce and maintenance <sup>(574)</sup>. The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband <sup>(575)</sup>. The Offence of *zina* (Enforcement of Hudood) Ordinance, 1979, stated that an adult male is defined as having attained the age of 18 years, a female as having attained the age of 16, or reached puberty <sup>(576)</sup>. The Hudood Ordinances criminalise extra-marital sex, and several alcohol, gambling, and property offences, and provide for Qur'anic punishments including stoning to death for adultery, as well as jail terms and fines. The authorities have never carried out the penalty of death by stoning, partly due to the strict evidentiary requirements <sup>(577)</sup>. The Criminal Law (Third Amendment) Act of 2011 makes it illegal to deny women inheritance of property by deceitful means <sup>(578)</sup>.

<sup>(571)</sup> Pakistan, *Citizenship Act (The)*, 1951.

<sup>(572)</sup> Directorate General of Immigration & Passports, (Pakistan), *Immigration*, n.d.

<sup>(573)</sup> PHRG, *Rabwah: A place for martyrs?*, January 2007, p. 10.

<sup>(574)</sup> Pakistan, *Muslim Family Laws Ordinance VIII*, 1961.

<sup>(575)</sup> Pakistan, *Dissolution of Muslim Marriages Act*, 1939.

<sup>(576)</sup> Pakistan, *Offence of Zina (Enforcement of Hudood) Ordinance (The)*, 1979, 10 February 1979.

<sup>(577)</sup> Freedom House, *Freedom in the World 2013 - Pakistan*, n.d..

<sup>(578)</sup> Pakistan, *Criminal Law (Third Amendment) Act*, 2011.

## Property rights

Property ownership, titles, sale, purchase, leasing and other transactions relating to real estate in Pakistan are governed by different laws, most importantly the Transfer of Property Act 1882, Land Revenue Act 1967, Stamp Act 1899, and Registration Act 1908. There are also several provincial and municipal laws and regulations impacting property transactions in Pakistan <sup>(579)</sup>.

## 3.2 General situation

### 3.2.1 Unlawful deprivation of life

There have been reports that security forces committed arbitrary and unlawful killings, often with impunity; these were particularly prevalent in Balochistan and Sindh provinces, and during military operations in the north-western tribal areas <sup>(580)</sup>. Militants and terrorist groups killed hundreds and injured thousands with bombs, suicide attacks, and other violence. Factions of the Tehrik-e Taliban (TTP) carried out shootings and suicide bomb attacks against security forces, civilians, health workers, activists and journalists. Balochi nationalist armed groups attacked members of the security forces and others based on their ethnic or political affiliation <sup>(581)</sup>.

For further information see Chapter 2 [Security situation](#).

### 3.2.2 Disappearances

Disappearances – mostly of men and boys <sup>(582)</sup> – reportedly took place in nearly all areas of the country <sup>(583)</sup> including Balochistan and north-western Pakistan, as well as in Punjab and Sindh provinces <sup>(584)</sup>. The Supreme Court ruled in 2013 that the government should recover bodies of victims of enforced disappearances; however, the authorities did little to meet these obligations <sup>(585)</sup>. Official figures revealed that, in the past five years, 4 557 bodies had been recovered across Pakistan and 266 remained unidentified. In February 2015, the Supreme Court urged federal and provincial governments to coordinate their efforts in recovering and identifying missing persons <sup>(586)</sup>.

### 3.2.3 Arbitrary arrest and detention

Counterterrorism legislation in the form of the Pakistan Protection Act (PPA) was enacted in July 2014 which granted security forces broad powers of arrest and detention <sup>(587)</sup>. The PPA was criticised by Human Rights Watch (HRW) for ‘*legitimising detention at undisclosed locations and providing immunity to state security forces acting in good faith*’ <sup>(588)</sup>. International governments also raised concerns that the act was inconsistent with international human rights standards <sup>(589)</sup>. According to the 2014 US DOS report, ‘*there were reports police detained individuals arbitrarily to extort bribes for their release or detained relatives of wanted individuals to compel suspects to surrender*’ <sup>(590)</sup>.

<sup>(579)</sup> Marrium, Aujala, *Laws Related to Real Estate Business in Pakistan*, [weblog] posted on: 25 April 2014.

<sup>(580)</sup> AI, *Annual Report 2014/15, Pakistan*, 25 February 2015, pp. 281-285; HRW, *World Report 2015, Pakistan*, 29 January 2015, p. 423; ALRC, *Pakistan: A call for an immediate intervention to stop extrajudicial killings, A written submission to the UN Human Rights Council by the Asian Legal Resource Centre*, 4 September 2014; HRC, *State of Human Rights in 2014*, March 2015, p. 1.

<sup>(581)</sup> AI, *Annual Report 2014/15, Pakistan*, 25 February 2015, p. 282; US DOS, *Country Reports on Human Rights Practices for 2013, Pakistan*, 27 February 2014; US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(582)</sup> HRW, *Pakistan: Impunity Marks Global Day for Disappeared*, 29 August 2014.

<sup>(583)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(584)</sup> HRW, *Pakistan: Impunity Marks Global Day for Disappeared*, 29 August 2014; HRC, *State of Human Rights in 2014*, March 2015, p. 1.

<sup>(585)</sup> AI, *Annual Report 2014/15, Pakistan*, 25 February 2015, pp. 282-283; HRW, *World Report 2015, Pakistan*, 29 January 2015, pp. 422-423.

<sup>(586)</sup> Express Tribune (The), *Gone without trace: SC urges joint efforts to trace missing persons*, 11 February 2015.

<sup>(587)</sup> HRW, *World Report 2015, Pakistan*, 29 January 2015, p. 418.

<sup>(588)</sup> HRW, *Dispatches: Identifying Pakistan's 'Disappeared'*, 12 February 2015.

<sup>(589)</sup> FCO, *Human Rights and Democracy Report 2014, Pakistan - Country of Concern*, 12 March 2015.

<sup>(590)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

### 3.2.4 Torture and other cruel, inhumane and degrading treatment and punishment

Though prohibited by the constitution, there are no specific laws against torture. There have been reports of torture and abuse in custody by the security forces, including the intelligence agencies<sup>(591)</sup>. Common acts of torture included *falaka* (beating the soles of the feet with a cane); *inverse strappado* (being hung from a hook and kicked and punched repeatedly, causing shoulders to dislocate); extraction of fingernails; suffocation; electric shock; exposure to extreme temperatures; forced spreading of legs with bar fetters<sup>(592)</sup>. According to Amnesty International (AI), torture was frequently used to extract confessions from suspects<sup>(593)</sup>.

### 3.2.5 Death penalty

In December 2014, in the wake of a Taliban attack on a school in Peshawar, which killed more than 150 people, the Pakistan authorities partially lifted a moratorium on the death penalty that had been in place since 2008<sup>(594)</sup>. The relaxation of the ban allowed the death penalty to be used only in terrorism cases and, according to AI and SATP, at least 24 people were executed for crimes relating to terrorism since December 2014<sup>(595)</sup>. AI claimed that three of these executions were for non-terrorism related offences<sup>(596)</sup>.

On 10 March 2015, the government announced that executions would resume for all capital crimes<sup>(597)</sup>. Pakistan has more than 8 000 people on death row and the law mandates the death penalty for 28 offences, including murder, rape, treason and blasphemy<sup>(598)</sup>. According to AI, 231 people were sentenced to death in Pakistan during 2014<sup>(599)</sup>.

### 3.2.6 Detention and prison conditions

Conditions in some prisons and detention centres were extremely poor with problems such as overcrowding, inadequate medical care, mistreatment of prisoners, inadequately trained staff and a lack of accountability mechanisms<sup>(600)</sup>. The majority of inmates consisted of remand prisoners<sup>(601)</sup>. Prisoners from religious minorities were generally afforded poorer facilities and subject to abuse by other inmates and prison staff<sup>(602)</sup>.

### 3.2.7 Access to law enforcement and fair trial

#### State protection

While there is a fully functioning criminal justice system, the effectiveness of the police varies greatly by district, ranging from reasonably good to ineffective<sup>(603)</sup>. Pakistan's police system suffers severe deficiencies in a number of areas, including equipment, technology, personnel, training, and intelligence capability. Much of the police force is regarded as corrupt, inefficient and unprofessional<sup>(604)</sup>. There are reports that the police often fail to protect members of religious minorities (see section 3.4)<sup>(605)</sup> and women (see section 3.2.9)<sup>(606)</sup>.

Civil, criminal and family courts provide for public trial, presumption of innocence, cross-examination and appeal. Lower courts are subject to corruption and political pressure<sup>(607)</sup>.

<sup>(591)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015; HRC, *State of Human Rights in 2014*, March 2015, pp. 80-81.

<sup>(592)</sup> Foundation for Fundamental Rights, *Advocacy, Torture Advocacy*, n.d.; US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(593)</sup> AI, *Pakistan: Two executions for non-terrorism offences a 'disturbing and dangerous' escalation*, 13 February 2015.

<sup>(594)</sup> BBC News, *Pakistan ends death penalty suspension after seven years*, 10 March 2015.

<sup>(595)</sup> AI, *Thousands at risk of execution after Pakistan's 'shameful retreat to the gallows'*, 10 March 2015; SATP, *Pakistan Assessment 2015*, n.d.

<sup>(596)</sup> AI, *Thousands at risk of execution after Pakistan's 'shameful retreat to the gallows'*, 10 March 2015, see also BBC, *Justice at risk as Pakistan rushes convicts to the gallows*, 25 December 2014.

<sup>(597)</sup> AI, *Thousands at risk of execution after Pakistan's 'shameful retreat to the gallows'*, 10 March 2015.

<sup>(598)</sup> HRW, *Pakistan: Take Death Penalty Off the Table*, 12 March 2015.

<sup>(599)</sup> AI, *Death Sentences and Executions in 2014*, 31 March 2015.

<sup>(600)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015; HRC, *State of Human Rights in 2013*, March 2013, p. 60.

<sup>(601)</sup> HRC, *State of Human Rights in 2013*, March 2013, p. 60.

<sup>(602)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015; ICG, *Reforming Pakistan's Prison System*, 12 October 2011, p. 15.

<sup>(603)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015; HRC, *State of Human Rights in 2014*, March 2015, pp. 57-60.

<sup>(604)</sup> Hameed, Zulfiqar, 'Antiterrorism law', July 2012, p. 49; HRC, *State of Human Rights in 2014*, March 2015, pp. 71-73.

<sup>(605)</sup> US DOS, *International Religious Freedom Report for 2013, Pakistan*, 28 July 2014; HRC, *State of Human Rights in 2014*, March 2015, pp. 124-134.

<sup>(606)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(607)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

### Tribal justice system – *jirgas*

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. *Jirga* is generally practised by the Pashtun ethnic group in Pakistan and Afghanistan and is the most preferred form of informal or parallel justice/dispute resolution mechanism. Under the FCR (Frontier Crimes Regulation) in the FATA, *jirga* is still the formal mechanism for dispensing justice and resolving conflicts. Some *jirga* decisions resulted in human-rights violations, especially the rights of women and ethnic/religious minorities<sup>(608)</sup>. *Jirgas* were conventionally men-only. However, in 2013, an all-female *jirga* was convened in Swat Valley, Khyber Pakhtunkhwa<sup>(609)</sup>. Despite being declared unlawful by the Sindh High Court, *jirgas* continued to function<sup>(610)</sup>.

### Settlement of land disputes

Land disputes were prevalent in rural and urban areas throughout Pakistan<sup>(611)</sup> sometimes resulting in violence and death<sup>(612)</sup>. At local government level and federal level, courts dealing with land disputes had a backlog of cases, were poorly trained, and subject to corruption. In Pakistan's tribal areas local *jirgas* decided on land disputes but often discriminated against women and their right to land ownership<sup>(613)</sup>.

### Blood feuds/honour-related conflict settlement

Disputes over women and land occurred, particularly in rural and tribal areas, and were often traditionally settled by *jirgas*. Family feuds sometimes resulted in handing over women as compensation for crimes or to resolve a dispute (known as *vani* or *swara*). Other harsh punishments handed down by *jirgas* included the death penalty, 'honour' killings, or *watta-satta* marriages (exchange of brides between tribes)<sup>(614)</sup>.

For further information on 'honour' crimes and forced marriage, see section 3.2.9 [Situation of women](#).

## 3.2.8 Situation of children

UNICEF indicated that children faced considerable difficulties in Pakistan: 1 in 10 children did not survive their fifth birthday; 30 % of children were chronically malnourished and lacked safe water and household sanitation, especially in rural areas; less than 2.5 % of Pakistan's GDP (Gross Domestic Product) was spent on the education sector<sup>(615)</sup>. See section 1.5 [Education](#) for further information.

The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, states that an adult male is defined as having reached the age of 18 and a female as attaining the age of 16 years old, or reached puberty<sup>(616)</sup>.

Violence against children in Pakistan took many forms, including: corporal punishment; sexual abuse; acid attacks; harmful traditional practices such as child marriage and honour crimes; abduction and trafficking; and armed conflict<sup>(617)</sup>.

In 2012, nearly 3 000 children, aged up to 19 years old, were killed in Pakistan<sup>(618)</sup>. In a 2014 UNICEF survey, based on data from between 2005 and 2013, 30 % of ever-married girls aged 15 to 19 said they had experienced physical

<sup>(608)</sup> Shinwari, N.A., *Understanding Jirga: Legality and Legitimacy in Pakistan's Federally Administered Tribal Areas*, 2011, pp. 37-38; HRCP, *State of Human Rights in 2014*, March 2015, p. 216.

<sup>(609)</sup> BBC, *Pakistani women use jirga to fight for rights*, 25 July 2013.

<sup>(610)</sup> UN HRC, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: [Universal Periodic Review]: Pakistan*, 6 August 2012.

<sup>(611)</sup> USAID, *Country profile, Property Rights and Resource Governance, Pakistan*, 21 September 2010, p. 9.

<sup>(612)</sup> Dawn, *Land disputes on the rise in capital*, 9 February 2012.

<sup>(613)</sup> USAID, *USAID Country profile, Property Rights and Resource Governance, Pakistan*, September 2010, p. 9.

<sup>(614)</sup> US DOS, *Country Reports on Human Rights Practices for 2013, Pakistan*, 27 February 2014; US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(615)</sup> UNICEF, *Pakistan, Overview, Background*, n.d.

<sup>(616)</sup> Pakistan, *Offence of Zina (Enforcement of Hudood) Ordinance (The)*, 1979, 10 February 1979.

<sup>(617)</sup> SPARC, *State of Pakistan's children 2014*, n.d.

<sup>(618)</sup> UNICEF, *Hidden in Plain Sight: A statistical analysis of violence against children*, September 2014, p. 37.

violence since the age of 15, with 24 % stating they had experienced physical violence within the last 12 months. Among married girls, 85 % surveyed identified their current partner as the perpetrator of violence. More than half the girls who had experienced violence did not report it <sup>(619)</sup>.

### Illegitimate children

Sexual relations outside of marriage are strictly prohibited under the 1979 Hudood Ordinances <sup>(620)</sup>, so having a child outside of marriage causes considerable social stigma in Pakistan <sup>(621)</sup>. Reports indicated that some children born out of wedlock were killed shortly after birth <sup>(622)</sup>. Illegitimate children were referred to as ‘harami’, meaning ‘forbidden under Islam’ <sup>(623)</sup>. They had no rights of inheritance <sup>(624)</sup> and could not be registered with NADRA (except when abandoned or in the care of a registered orphanage) without providing the father’s name <sup>(625)</sup>.

For information on registering illegitimate children with NADRA in the context of applying for a CNIC, see section 1.9.1.

### Child labour

Child labour was widespread due to poor implementation of child labour laws (which prohibit employment of children below 14 in hazardous work, limits their working days to seven hours at day time) <sup>(626)</sup>. NGOs estimated in 2013 that 11 to 12 million children – half of them below 10 years old – were employed in Pakistan <sup>(627)</sup>. Occupations in which child labour was commonly found in Pakistan included: crop agriculture; brick-making; cotton production; date-picking; livestock-raising; mat-making; rag-picking; restaurant work; stone-working; and small workshops. Children engaged in these occupations were found to have impaired physical and mental health compared to their counterparts who attended full-time education <sup>(628)</sup>.

### Child in armed conflict

There were reports of recruitment of children by armed groups in Pakistan, including apparently for suicide bombers and bomb planters <sup>(629)</sup>. Offers of money and fraudulent promises were used by some militants to coerce parents into handing over their children <sup>(630)</sup>. During 2013, a number of children were arrested and detained in Balochistan and the FATA for their alleged involvement with armed groups <sup>(631)</sup>.

In December 2014, in one of the deadliest attacks by the Pakistani Taliban, 132 children were killed by gunmen at the Army Public School in Peshawar <sup>(632)</sup>, in what they described as retaliation for the continuing military operations in North Waziristan <sup>(633)</sup>. Suicide bomb attacks frequently resulted in the death of civilian children <sup>(634)</sup>.

### Child marriages

Child marriages were pervasive in Pakistan, particularly in remote rural areas <sup>(635)</sup>. According to UNICEF, in 2014, 7 % of girls in Pakistan were married before the age of 15 years while 24 % were married before the age of 18 <sup>(636)</sup>. The Pakistan Demographic and Health Survey (PDHS) for 2012/13 recorded that, of those surveyed, 7 % of males

<sup>(619)</sup> UNICEF, *Hidden in Plain Sight: A statistical analysis of violence against children*, September 2014, pp. 48, 50, 88.

<sup>(620)</sup> Pakistan, *Offence of Zina (Enforcement of Hudood) Ordinance (The)*, 1979, 10 February 1979.

<sup>(621)</sup> DW, *Illegitimate newborns murdered and discarded*, 22 April 2014.

<sup>(622)</sup> DW, *Illegitimate newborns murdered and discarded*, 22 April 2014; Al Jazeera, *Infanticide is on the rise in Pakistan*, 14 January 2014; Daily Times, *Illegitimate children in Pakistan*, 11 December 2014.

<sup>(623)</sup> Al Jazeera, *Infanticide is on the rise in Pakistan*, 14 January 2014.

<sup>(624)</sup> Daily Times, *Illegitimate children in Pakistan*, 11 December 2014.

<sup>(625)</sup> UK Home Office, *Response to queries*, source: Khan and Piracha, 20 April 2015.

<sup>(626)</sup> US DOS, *Country Reports on Human Rights Practices for 2013, Pakistan*, 27 February 2014.

<sup>(627)</sup> HRCP, *State of Human Rights in 2013*, March 2013, p. 191.

<sup>(628)</sup> ILO, *IPEC, The effect of work on children’s health: report of research on ten occupational sectors in Pakistan*, 2013.

<sup>(629)</sup> UN Security Council, *Children in Armed Conflict*, 15 May 2014, p. 40.

<sup>(630)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(631)</sup> UN Security Council, *Children in Armed Conflict*, 15 May 2014, p. 40.

<sup>(632)</sup> AI, *Annual Report 2014/15, Pakistan*, 25 February 2015, p. 282.

<sup>(633)</sup> SPARC, *State of Pakistan’s children 2014*, n.d., p. 1.

<sup>(634)</sup> UN Security Council, *Children in Armed Conflict*, 15 May 2014, p. 40; SPARC, *State of Pakistan’s children 2014*, n.d., p. 34.

<sup>(635)</sup> SPARC, *State of Pakistan’s children 2014*, n.d., p. 19.

<sup>(636)</sup> UNICEF, *State of the World’s Children in 2014 in Numbers*, January 2014, p. 81.

were married by the age of 18 compared with 35 % of females <sup>(637)</sup>. The Child Marriage Restraint Act prescribes the minimum age of marriage for girls as 16 years old and 18 years for boys <sup>(638)</sup>, although the Sindh Child Marriage Restraint Act, passed in April 2014, prohibited marriage for children under the age of 18 <sup>(639)</sup>. According to the PDHS, 8 % of girls aged 15-19 were already mothers or pregnant with their first child <sup>(640)</sup>.

### 3.2.9 Situation of women

The status of women in Pakistan differs according to class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children and so on <sup>(641)</sup>. Patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities discriminate against them and maintain their subordination within the family and society <sup>(642)</sup>.

#### Single/unaccompanied women

According to a representative from the Human Rights Commission of Pakistan (HRCP) in 2013 it was '*next to impossible*' for a single woman to live alone in Pakistan due to prejudices against women and their dependence on family for money <sup>(643)</sup>. According to one report, in 2010, most women in rural areas lived with their families and it was generally not socially acceptable for women to live alone. In urban areas, especially larger cities such as Karachi, Lahore or Islamabad, educated, higher class, working women found it easier to live alone <sup>(644)</sup>, although this was still quite a rare occurrence <sup>(645)</sup>. Sources consulted by the Canadian Immigration and Refugee Board (IRBC) in 2010 described difficulties for single women renting property in urban areas, citing security concerns and social constraints. Divorcees faced stigmatisation and social rejection <sup>(646)</sup>.

#### Forced and arranged marriages

According to Dr Shakira Hussein, a fellow at the Australian National University, arranged marriages with a partner from their own ethnic community was the traditional norm across Pakistan, regardless of social standing <sup>(647)</sup>. Some families used violence to oppose love marriages, including kidnapping their daughters, attacking the relatives of the males in a relationship, and obtaining help from the police to track down partners who married without family approval <sup>(648)</sup>. Women were legally free to marry without family consent, but those who did so were often cast out or risked becoming the victims of 'honour' crimes <sup>(649)</sup>.

The practices of *vani*, *swara* and *watta-satta* marriages – customary means of settling disputes or feuds between families, or exchanging daughters – remained throughout Pakistan <sup>(650)</sup>, particularly in rural and tribal areas <sup>(651)</sup>. There were reports of (yearly about 700 respectively 300 <sup>(652)</sup>) Christian and Hindu women and girls being forcibly converted to Islam and married to Muslim men <sup>(653)</sup>.

See also the sections [3.2.8 Child marriages](#) and [3.4 Situation of religious groups](#).

<sup>(637)</sup> NIPS, *Pakistan Demographic and Health Survey 2012-13*, December 2013, p. 64.

<sup>(638)</sup> Pakistan, *Child Marriage Restraint Act, Act No. XIX of 1929*, 1929.

<sup>(639)</sup> Sindh, *Child Marriage Restraint Act, 2013*, 28 April 2014.

<sup>(640)</sup> NIPS, PDHS 2012-13, December 2013, p. 69.

<sup>(641)</sup> HRCP, *State of Human Rights in 2011*, p. 156.

<sup>(642)</sup> UN CEDAW, *Concluding observations on the fourth periodic report of Pakistan (11 February – 1 March 2013)*, 1 March 2013, paragraph 21.

<sup>(643)</sup> IRBC, *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.

<sup>(644)</sup> IRBC, *Pakistan: Circumstances under which a woman has the legal right to get a divorce through the courts (judicial divorce) through her own initiative; circumstances under which single women can live alone*, 17 November 2010.

<sup>(645)</sup> IRBC, *Pakistan: Circumstances under which single women could live alone*, 4 December 2007.

<sup>(646)</sup> IRBC, *Pakistan: Circumstances under which a woman has the legal right to get a divorce through the courts (judicial divorce) through her own initiative; circumstances under which single women can live alone*, 17 November 2010.

<sup>(647)</sup> MRT-RRT, *Country Advice Pakistan – PAK37665*, 17 November 2010.

<sup>(648)</sup> Hong, Jack, 'Love marriages, women and rule of law in Pakistan', October 2009.

<sup>(649)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(650)</sup> SPARC, *State of Pakistan's children 2014*, n.d., p. 21.

<sup>(651)</sup> ALRC, *Pakistan: The violence against women is continue to be rampant in spite of progressive laws*, 4 June 2014.

<sup>(652)</sup> CLAAS, *Annual Report 2013*, n.d.

<sup>(653)</sup> FiDH, *Minorities under attack: Faith-based discrimination and violence in Pakistan*, March 2015, p. 16; HRCP, *State of Human Rights in 2011*, p. 98.

## Extra-marital relations

The offence of *zina* defines ‘adultery’ and is covered under the Offence of Zina (Enforcement Of Hudood) Ordinance, 1979, which states ‘A man and a woman are said to commit zina if they wilfully have sexual intercourse without being married to each other.’ Zina is liable to *hadd* (the punishment decreed by the Qur’an): stoning to death, or 100 lashes<sup>(654)</sup>. The authorities have never carried out the penalty of death by stoning, partly due to the strict evidentiary requirements<sup>(655)</sup>, according to information from 2013. However, in many rural areas of Pakistan, *jirgas*, issue death sentences for couples or women deemed to have offended the conservative culture. Reuters reported:

*Such killings are illegal in Pakistan, but the police force is weak and often ignores them. Even if the cases are brought to court, they can take years to be heard and the national conviction rate hovers between 5 to 10 percent. If convicted, the victim’s family can forgive the killers – a major loophole, since the killers often are the victim’s family*<sup>(656)</sup>.

Sexual relations between parties who are unmarried is considered ‘fornication’ and is deemed an offence under the Protection of Women (Criminal Law Amendment) 2006 Act. This offence is punishable by imprisonment for up to five years and a fine not exceeding 10 000 rupees. An accusation of adultery must be lodged directly with the court. It is an offence to make false accusations of adultery and fornication<sup>(657)</sup>.

## Sexual and gender-based related violence

Violence against women and girls is a serious problem in Pakistan and included rape, ‘honour’ killings, acid attacks, domestic violence, and forced marriage<sup>(658)</sup>. CEDAW noted that violence against women and girls had escalated in the FATA, KP and Balochistan due to threats and attacks by non-state actors, and counter-operations by the military<sup>(659)</sup>.

The enforcement of the Protection of Women Act<sup>(660)</sup> was reported to be poor and police were sometimes implicated in rape cases. Rape statistics were unreliable at all levels due to severe underreporting and the lack of any central data collection system. Prosecutions of reported rapes were said to be rare<sup>(661)</sup>. Rape victims who do not meet the high evidentiary requirements – i.e. providing the testimony of four adult male witnesses – risk prosecution for extra-marital sex<sup>(662)</sup>.

## Domestic violence

Domestic violence was widespread<sup>(663)</sup> and was typically committed by husbands, fathers, brothers and in-laws<sup>(664)</sup>, sometimes resulting in the death of the woman. Domestic abuse included torture, physical disfigurement, and shaving the eyebrows and hair off women’s heads<sup>(665)</sup>. According to the Independent online, acid attacks are also ‘commonplace’ in cases related to ‘honour’ in Pakistan<sup>(666)</sup>. Dowry and family-related disputes sometimes resulted in death or disfigurement by burning or acid<sup>(667)</sup>.

<sup>(654)</sup> Pakistan, *Offence of Zina (Enforcement of Hudood) Ordinance (The)*, 1979, 10 February 1979.

<sup>(655)</sup> Freedom House, *Freedom in the World 2013 - Pakistan*, n.d..

<sup>(656)</sup> Reuters, *Pakistani couple stoned to death for adultery; six arrested*, 17 February 2014.

<sup>(657)</sup> Pakistan, *Protection of Women (Criminal Laws Amendment) Act*, 2006.

<sup>(658)</sup> HRW, *World Report 2015, Pakistan*, 29 January 2015.

<sup>(659)</sup> UN CEDAW, *Concluding observations on the fourth periodic report of Pakistan (11 February – 1 March 2013)*, 1 March 2013, paragraph 13.

<sup>(660)</sup> Pakistan, *Protection of Women (Criminal Laws Amendment) Act*, 2006.

<sup>(661)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(662)</sup> ICG, *Reforming the judiciary in Pakistan, Asia Report No 160*, 16 October 2008, p. 10; Open Trial, *Jailing the raped in Pakistan*, n.d.; Christian Science Monitor (The), *Pakistan grapples with discontent over rape prosecutions*, 2 March 2014

<sup>(663)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(664)</sup> HRCP, *State of Human Rights in 2012*, March 2013, p. 173.

<sup>(665)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(666)</sup> Independent (The), *Parents who killed daughter with acid say it was her destiny*, 5 November 2012.

<sup>(667)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

Domestic Violence (Prevention and Protection) Bills were passed at provincial levels in Sindh in March 2013<sup>(668)</sup>, and in Balochistan in February 2014<sup>(669)</sup>. Conviction rates for domestic violence cases were low<sup>(670)</sup>. The Acid Control and Acid Crime Prevention Bill was passed unanimously by the Senate in December 2011<sup>(671)</sup>; however, acid attacks still occurred<sup>(672)</sup>.

### Honour crimes

The Criminal Law (Amendment) Act 2004 of the PPC includes a provision stating that an ‘*offence committed in the name or on the pretext of honour*’ means ‘*an offence committed in the name or on the pretext of karo kari, siyah kari or similar other customs or practices*’<sup>(673)</sup>. According to the 2014 US DOS report ‘*The practice of karo kari or siyah kari – a premeditated honour killing that occurs if a family, community, tribal court, or jirga determines that adultery or some other ‘crime of honour’ occurred – continued across the country*’<sup>(674)</sup>.

About 1 000 cases of honour killings per year were tracked from media reports by the women’s rights group, the Aurat Foundation. However, the true figure was deemed to be much higher<sup>(675)</sup>. Honour crimes usually took place when a man claimed that a woman brought dishonour to the family by, for example, having illicit relations or marrying without family consent, and included murder (honour killing), assault, acid throwing, confinement, imprisonment, burning, and nose-cutting. Such crimes were most common in rural areas although also occurred in urban areas. The majority of victims were women, though men were also affected<sup>(676)</sup>.

### Support groups/organisations

There were a reported 44 government-run women’s shelters in Pakistan<sup>(677)</sup>. Temporary shelter (offering support for 24-72 hours<sup>(678)</sup>), legal aid, medical treatment, and counselling was provided at 26 government-funded Shaheed Benazir Bhutto Crisis Centres<sup>(679)</sup>. Victims were later referred to provincial government-run Dar ul Aman shelter homes<sup>(680)</sup>. Many government-run shelters lacked sufficient staff, space and resources<sup>(681)</sup>. According to representatives of the NGOs Shirkat Gah and HCRP, privately run shelters (by NGOs) were said to be better than government-run shelters<sup>(682)</sup>.

Sources differed on the number of women’s police stations in Pakistan, ranging from 9 to 19. Women’s police stations were considered ‘not very effective’, too few and therefore difficult to access, and under-resourced with insufficiently trained staff; most women’s police stations did not register First Information Reports (FIRs)<sup>(683)</sup>.

## 3.2.10 Situation of journalists/bloggers

Pakistan is reportedly one of the most dangerous places for journalists to operate<sup>(684)</sup> and many censor their own work<sup>(685)</sup>. At least seven were killed in 2014 and many more received death threats. The Pakistani Taliban issued a

<sup>(668)</sup> Express Tribune (The), *Celebrating milestones: With the domestic violence act, the hurly-burly’s done, but the battle hasn’t been won*, 1 April 2013.

<sup>(669)</sup> Balochistan, *Domestic Violence (Prevention and Protection) Bill 2014 (The)*, 1 February 2014.

<sup>(670)</sup> Express Tribune (The), *With dismal conviction rate, victims prefer to compromise*, 1 February 2015.

<sup>(671)</sup> Express Tribune (The), *Women-specific bills passed: Fourteen-year jail term for acid-throwers*, 12 December 2011.

<sup>(672)</sup> HRCP, *State of Human Rights in 2013*, March 2013, p. 177; Asia Foundation, *Acid crimes a growing crisis in Pakistan*, October 2014.

<sup>(673)</sup> Pakistan, *Criminal Law (Amendment) Act*, 2004.

<sup>(674)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(675)</sup> Reuters, *Pakistani couple stoned to death for adultery; six arrested*, 17 February 2014.

<sup>(676)</sup> IRBC, *Pakistan: Honour killings targeting men and women*, 15 January 2013; HRCP, *State of Human Rights in 2014*, March 2015, pp. 219-219.

<sup>(677)</sup> Shirkat Gah, ‘Women’s Rights in Pakistan - Status and Challenges’, October 2012, p. 4.

<sup>(678)</sup> Zia, M. and Butt, R., ‘Pakistan NGO Alternative Report on CEDAW 2012’, November 2012, p. 103.

<sup>(679)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(680)</sup> Zia, M. and Butt, R., ‘Pakistan NGO Alternative Report on CEDAW 2012’, November 2012, p. 103.

<sup>(681)</sup> Zia, M. and Butt, R., ‘Pakistan NGO Alternative Report on CEDAW 2012’, November 2012, p. 103; US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(682)</sup> IRBC, *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.

<sup>(683)</sup> IRBC, *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.

<sup>(684)</sup> FCO, *Human Rights and Democracy Report 2014, Pakistan - Country of Concern*, 12 March 2015.

<sup>(685)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

'hit-list' of more than 20 journalists and publishers it claimed misrepresented them <sup>(686)</sup>. Free expression activists and bloggers also reported receiving death threats <sup>(687)</sup>; in 2012 the Pakistani Taliban claimed responsibility for shooting and wounding 15-year-old Malala Yousufzai, targeting her for her blogs '*promoting secular education*' <sup>(688)</sup>.

### 3.2.11 Situation of civil society actors and human rights defenders

NGOs operating in violence-prone areas such as the FATA, KP and Balochistan faced threats and attacks from militant groups <sup>(689)</sup>. Schools were subject to attack <sup>(690)</sup>; in December 2014, 132 children were killed by Pakistani Taliban gunmen at the Army Public School in Peshawar <sup>(691)</sup>. Aid workers were also targeted: in 2014, 17 healthcare workers and 28 security personnel were killed by militants alleging that polio vaccination was a Western conspiracy <sup>(692)</sup>.

## 3.3 Situation of ethnic minorities

The main ethnic groups in Pakistan are Punjabis 44.68 %, Pashtuns (Pathans) 15.42 %, Sindhis 14.1 %, Sariaikis 8.38 %, Muhajirs [Mohajirs] 7.57 %, Balochis 3.57 %, other 6.28 % <sup>(693)</sup>.

Minority Rights Group International recorded that Punjabi, Sindhi, Pashtun and Balochi are Pakistan's officially recognised ethnic groups <sup>(694)</sup>.

In addition, Pakistan hosts almost 1.5 million Afghan refugees - one of the largest protracted refugee populations <sup>(695)</sup> globally <sup>(696)</sup>. 85.1 % of the Afghans in Pakistan are Pashtun, while the rest consists of Tajiks, Uzbeks and other ethnic groups <sup>(697)</sup>.

Although the constitution provides for equality for all citizens and prohibits discrimination based on race, religion, caste, residence or place of birth, there was significant discrimination by society and government based on each of these factors <sup>(698)</sup>. According to the Human Rights Commission of Pakistan (HRCP), even though attacks on ethnic and religious minorities occur repeatedly and certain militant groups claim responsibility, the government failed to prosecute those responsible for the violent acts <sup>(699)</sup>.

### 3.3.1 Baloch

The Baloch people are a unique ethno-linguistic group split between Afghanistan, Iran and Pakistan, who have been victims of marginalisation throughout history <sup>(700)</sup>. The majority of the group reside in the Balochistan province of

<sup>(686)</sup> FCO, *Human Rights and Democracy Report 2014, Pakistan - Country of Concern*, 12 March 2015.

<sup>(687)</sup> Freedom House, *Freedom on the Net 2014 - Pakistan*, n.d., p. 631.

<sup>(688)</sup> BBC, *Profile: Malala Yousafzai*, 10 December 2014.

<sup>(689)</sup> Freedom House, *Freedom in the World 2014 - Pakistan*, n.d..

<sup>(690)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(691)</sup> AI, *Annual Report 2014/15, Pakistan*, 25 February 2015, p. 282.

<sup>(692)</sup> FCO, *Human Rights and Democracy Report 2014, Pakistan - Country of Concern*, 12 March 2015.

<sup>(693)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(694)</sup> MRG, *World Directory of Minorities and Indigenous Peoples – Pakistan Overview*, updated September 2010.

<sup>(695)</sup> UNHCR defines a protracted refugee situation as 'one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile.' In identifying the major protracted refugee situations in the world in 2004, UNHCR used the 'crude measure of refugee populations of 25 000 persons or more who have been in exile for five or more years in developing countries'. The study excluded Palestinian refugees, who fall under the mandate of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and represent the world's oldest and largest protracted refugee situation. UNHCR, *Protracted Refugee Situations, Executive Committee of the High Commissioner's Programme, Standing Committee, 30th Meeting, UN Doc. EC/54/SC/CRP.14*, 10 June 2004.

<sup>(696)</sup> UNHCR, *Country Operations Profile – Pakistan*, 2015.

<sup>(697)</sup> UNHCR, *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries*, 2-3 May 2012, p. 41.

<sup>(698)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(699)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 156.

<sup>(700)</sup> UNPO, *Briefing Note: The Plight of the Baloch*, March 2015, p. 1.

Pakistan<sup>(701)</sup> which is the country's largest but least populated province<sup>(702)</sup>. There is no definite information on whether or not Baloch comprise the majority of the province's population as the last census is out of date (from 1998) and does not cover ethnicity<sup>(703)</sup>. The Baloch are largely Sunni Muslims, followers of the Hanafi school<sup>(704)</sup>.

Balochistan is Pakistan's most underdeveloped province, although it is the most resource-rich region in the country. Important deposits of copper, uranium, gold, coal, silver and platinum can be found in the area and Balochistan is also responsible for about 36 % of Pakistan's gas production<sup>(705)</sup>.

Tensions between the central government and the Baloch date back to Pakistan's independence in 1947<sup>(706)</sup>.

Baloch tribal militants have been fighting to achieve greater political autonomy and control over mineral resources. As infrastructure has been built to exploit the province's rich natural resources, especially gas, resentment against the central government has grown. Local frustration was fuelled for two reasons. Firstly, Baloch people felt their province was being increasingly monopolised by non-indigenous migrants attracted by its economic opportunities. Secondly, there was a widespread perception that Balochistan receives only a small share of benefits from the exploitation of its resources<sup>(707)</sup>.

Since the beginning of military operations by the Frontier Corps and the Army in 2005, the conflict intensified (see also section 2.3 *Balochistan*). Pakistan's security forces are targeting ethnic Baloch suspected of alleged involvement in the Baloch nationalist movement, such as the Baloch Republican Party, Baloch National Front, Baloch National Movement and Baloch Students Organization<sup>(708)</sup>.

According to Voice for Baloch Missing Persons (VBMP), an NGO working to document the cases of missing persons, during the first nine months of 2013, 405 persons went missing after their arrest by security agencies. VBMP has also documented the cases of extrajudicial killings of missing persons, providing names and addresses of 126 killed during their detention after their disappearance<sup>(709)</sup>.

According to data from HRCP's monitoring of 48 critical districts of Pakistan, 129 new cases of enforced disappearance were reported in 2014, 106 of which were from nine districts of Balochistan<sup>(710)</sup>.

Zahid Baloch, Chairman of the Baloch Student Organisation-Azad, was abducted in Quetta on 18 March 2014. He was taken by plainclothes gunmen later identified as personnel of the Frontier Corps. His whereabouts at the end of 2014 remained unknown<sup>(711)</sup>.

### 3.3.2 Hazara

The most widely accepted theory about the origins of the Hazara is that they are a mixed race with a Mongolian ancestry. Certain Mongol tribes travelled to eastern Persia and what is modern-day Afghanistan, integrating with the indigenous community. This group then formed its own community which became the Hazara<sup>(712)</sup>.

The Hazara community in Pakistan is concentrated in Quetta and is estimated at about 500 000 with the vast majority being Shia Muslim<sup>(713)</sup>.

According to Human Rights Watch (HRW), Sunni extremist groups target the Hazara community in Quetta, compelling them to restrict their movements, which leads to economic hardship and curtailed access to education

<sup>(701)</sup> MRG, *World Directory of Minorities and Indigenous Peoples – Pakistan: Baluchis*, updated September 2010.

<sup>(702)</sup> UNPO, *Briefing Note: The Plight of the Baloch*, March 2015, p. 1.

<sup>(703)</sup> UNPO, *Briefing Note: The Plight of the Baloch*, March 2015, p. 1.

<sup>(704)</sup> MRG, *World Directory of Minorities and Indigenous Peoples – Pakistan: Baluchis*, updated September 2010.

<sup>(705)</sup> UNPO, *Briefing Note: The Plight of the Baloch*, March 2015, p. 2.

<sup>(706)</sup> HRC, *Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status [A/HRC/22/NGO/139]*, 22 February 2013, p. 2.

<sup>(707)</sup> Reuters, *Pakistan violence*, last updated: 11 April 2013.

<sup>(708)</sup> HRC, *Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status [A/HRC/22/NGO/139]*, 22 February 2013, p. 2.

<sup>(709)</sup> AHRC, *Pakistan: 126 extrajudicial killings, 400 disappearances in Balochistan*, 21 September 2013.

<sup>(710)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 101.

<sup>(711)</sup> HRW, *World Report 2015, Country chapters, Pakistan*, 29 January 2015.

<sup>(712)</sup> Express Tribune (The), *Who are the Hazara?* 5 October 2011.

<sup>(713)</sup> BBC, *'Hell on Earth': Inside Quetta's Hazara community*, 1 May 2013; HRW, *Pakistan: Rampant Killings of Shia by Extremists - Disarm, Prosecute Militants, Protect Hazara Community*, 30 June 2014.

and employment <sup>(714)</sup>. As stated by HRW, in 2012 nearly one-quarter of the Shia killed in sectarian violence across Pakistan belonged to the Hazara community in Balochistan, while in 2013, approximately half of Shia killed in Pakistan were Hazaras <sup>(715)</sup>.

See also sections [2.3 Balochistan](#) and [3.4.6 Hazara](#).

### 3.3.3 Mohajirs

Mohajirs (literally meaning ‘refugee’) are Urdu-speaking Muslims concentrated in the Sindh Province <sup>(716)</sup>.

Their roots lie in areas outside today’s Pakistan, with the majority of them having arrived from northern Indian regions after the division of India into two states in 1947 <sup>(717)</sup>.

They are primarily Sunni Muslims, although there are some Shia among them. However, their identity is not primarily religious but revolves around their ‘outsider’ status. Mohajirs are mainly represented by the MQM and its various factions <sup>(718)</sup>.

See also sections [1.4.6 MQM](#) and [2.5 Sindh](#).

### 3.3.4 Afghan refugees

Pakistan was host to millions of displaced persons at the end of 2014, including Afghan refugees who had fled their country during various phases of armed conflict since 1979 <sup>(719)</sup>. The majority of Afghans arrived in 1979 and 1989, with other significant influxes occurring in 1985, 1995 and 1996 <sup>(720)</sup>.

Pakistan is a signatory neither to the 1951 UN Convention relating to the Status of Refugees nor its 1967 Protocol and lacks a legal and regulatory framework for the management of refugees and migration <sup>(721)</sup>. A tripartite agreement between the governments of Pakistan, Afghanistan and UNHCR governs the voluntary repatriation of Afghan refugees to Afghanistan <sup>(722)</sup>. The Tripartite Agreement originally signed in 2007 was subsequently extended in 2010 and in 2013 and is valid until the end of 2015 <sup>(723)</sup>.

#### Statistics

According to UNHCR and the Ministry of States and Frontier Regions (SAFRON) Chief Commissioner for Afghan Refugees, about 1.5 million registered Afghan refugees and approximately 1 million unregistered Afghans were staying in Pakistan at the end of 2014 <sup>(724)</sup>.

<sup>(714)</sup> HRW, *Pakistan: Rampant Killings of Shia by Extremists - Disarm, Prosecute Militants, Protect Hazara Community*, 30 June 2014.

<sup>(715)</sup> HRW, *‘We are the Walking Dead’, Killings of Shia Hazara in Balochistan, Pakistan*, 29 June 2014, p. 2.

<sup>(716)</sup> MAR, *Assessment for Mohajirs in Pakistan*, 31 December 2006.

<sup>(717)</sup> Dawn, *The evolution of Mohajir politics and identity*, 20 April 2014.

<sup>(718)</sup> MAR, *Assessment for Mohajirs in Pakistan*, 31 December 2006.

<sup>(719)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 335.

<sup>(720)</sup> UNHCR, *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries*, 2-3 May 2012, p. 41.

<sup>(721)</sup> US DOS, *Country Reports on Human Rights Practices for 2014*, Pakistan, 25 June 2015.

<sup>(722)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 336.

<sup>(723)</sup> UNHCR, *Agreement Between the Government of Islamic Republic of Pakistan, the Transitional Islamic State of Afghanistan and the United Nations High Commissioner for Refugees Governing the Repatriation of Afghan Citizens Living in Pakistan*, 2 August 2007; UNHCR, *Extension of the Agreement Between the Government of Islamic Republic of Pakistan, the Transitional Islamic State of Afghanistan and the United Nations High Commissioner for Refugees Governing the Repatriation of Afghan Citizens Living in Pakistan*, 7 May 2010; UNHCR, *Extension of the Agreement Between the Government of Islamic Republic of Pakistan, the Transitional Islamic State of Afghanistan and the United Nations High Commissioner for Refugees Governing the Voluntary Repatriation of Afghan Citizens Living in Pakistan*, 16 August 2013.

<sup>(724)</sup> Representative of Ministry of States and Frontier Regions (SAFRON), *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Chief Commissioner for Afghan Refugees, *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014. . See also UNHCR, *Country Operations Profile – Pakistan*, 2015.

According to UNHCR, the data for registered Afghan refugees is based on a registration exercise that was conducted in 2006-2007, following a census of Afghan residents in Pakistan in 2005. The registration was carried out by Pakistan's National Database and Registration Authority, with support from UNHCR<sup>(725)</sup>. A majority (78 %) of Afghans in Pakistan are originally from Nangarhar, Kabul, Kunduz, Logar, Paktya, Kandahar and Baghlan<sup>(726)</sup>.

## Registration

Registered refugees were given official documents - Proof of Registration (PoR) cards, based on a 2005 census - that allowed them temporarily to remain legally in the country<sup>(727)</sup>. According to UNHCR, the registration and issuance of PoR cards process was completed in 2007; Afghans who have arrived in Pakistan since 2005 have not been able to register with the Government of Pakistan (however, new arrivals have access to refugee status determination procedures conducted by UNHCR under its mandate). The only exception to the registration deadline of 2005 was in 2010 when unregistered family members of PoR card holders could register as well. Renewal and extension of the validity of previously issued PoR cards took place in 2010-2011 and in 2014<sup>(728)</sup>. During 2014, NADRA registered 30 913 new-borns to PoR cardholders and 8 454 Afghan children below the age of 18 received birth certificates<sup>(729)</sup>.

However, according to UNHCR, the registration data is not completely accurate since not all deaths among the Afghan refugee population are registered. Moreover, about 300 000 PoR card holders did not renew their cards during the renewal exercise in 2010-2011; some of these are likely to be deceased while others may have returned to Afghanistan or travelled abroad<sup>(730)</sup>.

In December 2014, NADRA concluded the PoR card renewal project for registered Afghan refugees, whose cards had expired at the end of 2012<sup>(731)</sup>. The renewed PoR cards are valid until 31 December 2015<sup>(732)</sup>.

PoR card holders are persons of concern under UNHCR's mandate, enjoy freedom of movement and are protected from refoulement<sup>(733)</sup>. However, unregistered Afghans do not enjoy any protected status in Pakistan and are dealt under the scope of the provisions of the 1946 Foreigners Act<sup>(734)</sup>.

According to the SAFRON's Chief Commissioner for Afghan Refugees, non-registered Afghans are in a difficult situation in Pakistan. Without any documents they cannot identify themselves when stopped by security forces, putting them in a vulnerable situation, particularly in areas where military operations take place. In addition, according to the Chief Commissioner for Afghan Refugees, they are not covered by UNHCR's mandate, therefore UNHCR's reintegration assistance is not available to them<sup>(735)</sup>.

## Hosting areas

Khyber Pakhtunkhwa hosts the largest number of Afghans in Pakistan, followed by Balochistan and Punjab. There are Afghan refugees residing in Sindh, Islamabad and Azad Jammu and Kashmir as well<sup>(736)</sup>.

Altogether there are 39 designated areas for Afghan refugees in Pakistan, with the majority of them in KP. According to UNHCR, 33 % of the registered Afghan refugees live in refugee villages, while the remaining 67 % live in urban and semi-urban settings<sup>(737)</sup>.

<sup>(725)</sup> Representative of Ministry of States and Frontier Regions (SAFRON), *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Chief Commissioner for Afghan Refugees, *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.; see also HRCP, *State of Human Rights in 2014*, March 2015, p. 336.

<sup>(726)</sup> UNHCR, *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries*, 2-3 May 2012, p. 42.

<sup>(727)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(728)</sup> Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(729)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 337.

<sup>(730)</sup> Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(731)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 337.

<sup>(732)</sup> Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014; US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(733)</sup> Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(734)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 338.

<sup>(735)</sup> Representative of Ministry of States and Frontier Regions (SAFRON), *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Chief Commissioner for Afghan Refugees, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(736)</sup> UNHCR, *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries*, 2-3 May 2012, p. 42.

<sup>(737)</sup> Representative of UNHCR, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

The SAFRON Chief Commissioner for Afghan Refugees provided the following statistics on the location and population of refugee camps (Table 4) <sup>(738)</sup>:

Province/Territory	No of camps	No of refugees living in camps	No of refugees living outside of camps	Total
Khyber Pakhtunkhwa	28	491 178	505 669	996 847
Balochistan	10	81 920	241 552	323 472
Punjab	1	14 587	163 854	178 441
Sindh	-	-	65 855	65 855
Islamabad	-	0	33 992	33 992
Azad Jammu & Kashmir(AJK)	-	0	6 437	6 437
Total	39	587 685	1 017 359	1 605 044

**Table 4: Location and population of refugee camps**

As stated by the SAFRON Chief Commissioner for Afghan Refugees, the occasional closure of camps is decided not only by Pakistan, but is a tripartite decision made by Afghanistan, Pakistan and the UNHCR. Camps are usually closed for security reasons or natural disasters but sometimes the camp population outgrows the designated area. When a camp is closed its population has the option to return to Afghanistan voluntarily, to move to another camp or relocate to a different part of the country <sup>(739)</sup>.

### Societal attitude towards Afghan refugees

Pakistan has been host to the Afghan refugee population for more than three decades. The lengthy stay of the Afghan refugees has not only placed a heavy burden on Pakistan, but also contributed to a change in local perception of the issue of Afghan refugees <sup>(740)</sup>.

According to HRCP, the attack against the Army Public School in Peshawar in December 2014 ‘soured the general sentiment even against registered Afghan refugees’ <sup>(741)</sup>. KP’s Chief Minister Pervez Khattak called the presence of Afghan refugees and their movement a ‘constant source of crime’ and asked the federal government to strengthen its role in the repatriation of Afghan refugees and to restrict them to camps outside the province <sup>(742)</sup>.

### Repatriation

A number of deadlines have been set for the complete repatriation of Afghan refugees; the last one is the end of December 2015 in accordance with the latest expiry date of PoR cards <sup>(743)</sup>.

According to HRW ‘the Pakistani government has legitimate authority to deport undocumented migrants but should give those who might fear persecution upon return the opportunity to lodge asylum claims, and otherwise treat them with dignity’ <sup>(744)</sup>. Between 1 January and 31 March 2015 a total of 4 519 undocumented Afghan nationals were deported via Torkham, which is a substantial increase compared to 328 deportees during the same period in 2014 <sup>(745)</sup>. However, there were no reports of Pakistan forcibly sending any registered refugee back to Afghanistan in 2014 <sup>(746)</sup>.

<sup>(738)</sup> Representative of Ministry of States and Frontier Regions (SAFRON), *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Chief Commissioner for Afghan Refugees, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(739)</sup> Representative of Ministry of States and Frontier Regions (SAFRON), *FFM interview conducted by OIN Hungary*, 4-14 November 2014; Chief Commissioner for Afghan Refugees, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(740)</sup> UNHCR, *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries*, 2-3 May 2012, p. 41.

<sup>(741)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 339.

<sup>(742)</sup> Dawn, *CM concerned at free movement of Afghan refugees in KP*, 31 December 2014.

<sup>(743)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 335.

<sup>(744)</sup> HRW, *Stop Forced Returns of Afghans*, 22 February 2015.

<sup>(745)</sup> UNHCR, *Afghanistan; Volrep and Border Monitoring Monthly Update; 01 January-31 March 2015*, 31 March 2015, p. 6.

<sup>(746)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 338.

UNHCR facilitates a voluntary repatriation programme, which is available only for registered Afghan refugees holding valid PoR cards. During 2014 a total of 12 991 registered Afghan refugees (2 684 families) returned to Afghanistan under the voluntary repatriation programme, which is considered the lowest number of UNHCR-assisted annual returns in the past 11 years <sup>(747)</sup>.

According to UNHCR the lower rate of return in 2014 can be attributed to the extension of PoR cards until 31 December 2015 in Pakistan, uncertainty and concerns about security during the transitional period in Afghanistan. Hesitation associated with return may be driven by economic conditions and limited absorption capacity in Afghanistan <sup>(748)</sup>.

UNHCR operates Voluntary Repatriation Centres (VRCs) in Chamkani in Peshawar and in Baleli Quetta in Balochistan, where refugees willing to return to Afghanistan are processed and issued a Voluntary Repatriation Form (VRF). Upon return to Afghanistan, returnees are assisted at five Encashment Centers (ECs) in Samarkhel (Nangarhar), Kabul (Kabul), Gardez (Paktya), Jamal Mayna (Kandahar) and Herat (Herat). At the ECs all Afghan returnees with VRFs receive approximately USD 200 per person (between USD 30 – USD 70 for transport and USD 150 as a short-term integration grant) and all children under the age of five are vaccinated for polio and measles <sup>(749)</sup>.

In the first three months of 2015, a total of 11 489 Afghan refugees returned to Afghanistan under UNHCR's assisted return programme from Pakistan. This trend represents a significant increase compared to the 2 346 Afghan refugees who returned during the same period in 2014 <sup>(750)</sup>.

The recent increase in Afghans repatriating from Pakistan appears related to coercion from local governments since the December 2014 attack by the Pakistani Taliban on a school in Peshawar <sup>(751)</sup>.

The attack triggered a series of measures by the Pakistani authorities, particularly by the police. Refugees are reportedly facing increasing challenges such as arrests, detention, termination of lease agreements by local landowners, closure of business, extortion and harassment by local police. The most seriously impacted areas are Azad Jammu Kashmir (mainly Mirpur district) and Khyber Pakhtunkhwa (mainly Haripur and Peshawar districts), but harassment and arbitrary arrests were also reported in Punjab and Karachi <sup>(752)</sup>.

## 3.4 Situation of religious groups

### 3.4.1 General Introduction

Pakistan is a country with many different religions: Muslims, Ahmadiyya, Hindus, Christians, and Sikhs. Within the Muslim belief, there are also various dimensions of Muslim identity and religious intensity <sup>(753)</sup>. Pakistan has a highly diverse composition of Muslim sects and sub-sects. In the face of regional, ethnic and linguistic differences, Islam is used by the government as the unifying element <sup>(754)</sup>. However, there are many interpretations of Islam in Pakistan, leading to clashes between those holding different concepts of the religion <sup>(755)</sup>, and the state has undermined its own approach towards national unity by imposing a particular religious concept on society at times <sup>(756)</sup>.

Official statistics, cited by CIA, indicate that 96.4 % of the roughly 193 million Pakistani citizens are Muslims. Of these, according to different estimates, between 75 <sup>(757)</sup> and 90 <sup>(758)</sup> percent adhere to the Sunni and 10 <sup>(759)</sup> to 25 <sup>(760)</sup> %

<sup>(747)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 338.

<sup>(748)</sup> UNHCR, *Afghanistan; Volrep and Border Monitoring Monthly Update; 01 January – 31 December 2014*, 31 December 2014, p. 1.

<sup>(749)</sup> UNHCR, *Afghanistan; Volrep and Border Monitoring Monthly Update; 01 January-31 March 2015*, 31 March 2015, p. 2.

<sup>(750)</sup> UNHCR, *Afghanistan; Volrep and Border Monitoring Monthly Update; 01 January-31 March 2015*, 31 March 2015, p. 1.

<sup>(751)</sup> HRW, *Stop Forced Returns of Afghans*, 22 February 2015.

<sup>(752)</sup> UNHCR, *Afghanistan; Volrep and Border Monitoring Monthly Update; 01 January-31 March 2015*, 31 March 2015, p. 1.

<sup>(753)</sup> Assistant Professor National Defence University, *FFM interview conducted by BFA Staatendokumentation*, Islamabad, 11 March 2013.

<sup>(754)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(755)</sup> Cohen, Stephen, *The Idea of Pakistan*, 2004, p. 197.

<sup>(756)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(757)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014; BAMF, *Lage der Religionsgemeinschaften in ausgewählten islamischen Ländern*, August 2011.

<sup>(758)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(759)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(760)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014, BAMF, *Lage der Religionsgemeinschaften in ausgewählten islamischen Ländern*, August 2011.

to the Shia denomination of Islam<sup>(761)</sup>. Other religions mentioned are Hindus, Christians, Parsis/Zoroastrians, Bahais, Sikhs, Buddhists, Ahmadiyya Muslims, Kalasha, Kihals and Jains, constituting an estimated 5 % of the population<sup>(762)</sup>. The British High Commission, Islamabad cited estimates of about 1.5 % Christians - stating that unofficially they constitute approximately 3 % of the population - 1.5 % Hindus and 0.6 % other<sup>(763)</sup>. In an interview in Islamabad the then Secretary of the Ministry for National Interfaith Harmony (dissolved and integrated in the Ministry of Religious Affairs in June 2013) estimated that Non-Muslim minorities together accounted for about 10 million people, including about 4 million Christians, 3 million Hindus and 20 000 Sikhs<sup>(764)</sup>.

The number of Non-Muslims in Pakistan has decreased considerably. When the state was founded they constituted 29 % of the population, in 1970 the figure was 10 % and in the last census in 1998 only about 3 % of the population were Non-Muslims. In interviews with representatives of religious groups they emphasised that it was not clear if this could be traced back mainly to conversions, emigration or distinct population growth. Suspicions were raised by them that the proportion of minorities was adjusted downwards at the census in order to concede less political representation to these groups<sup>(765)</sup>.

### Anti-Ahmadiyya and Blasphemy Laws

Despite constitutional provisions and legal safeguards allowing minorities to profess and practice their religious beliefs freely, other provisions of the constitution and laws impose limits on this right<sup>(766)</sup>. The most important of these are the so-called 'Blasphemy laws' and the 'Anti-Ahmadiyya' provisions which will be examined in detail. These laws legally restrict freedom of expression and religion for minorities. Nevertheless, through the 'Blasphemy laws' freedom of expression in religious matters is also restricted for the majority Muslim population as accusations of blasphemy also affect them<sup>(767)</sup>.

Pakistani criminal law provides for penalties for blasphemy, as listed in section 3.1.2 **Blasphemy laws**. Section 295 C - insulting the Prophet - provides for the death sentence, which has never been carried out for blasphemy<sup>(768)</sup>. However, if the penalty is imposed a lengthy incarceration can follow<sup>(769)</sup>. A sentence of up to life imprisonment can be handed down for section 295 B, desecration of the Qur'an, and a sentence of up to 10 years for section 295 A, injuring religious feelings<sup>(770)</sup>. Section 295 B and C of the Penal Code are frequently labelled as 'anti-Ahmadiyya laws' (see section 3.4.2 **Ahmadiyya**).

In the cases under section 295 A and B bail is normally granted. In case of charges under section 295 C - insulting the Prophet - it is regularly not granted<sup>(771)</sup>. At trial, a conviction in such cases frequently follows, which is usually overturned by the appellate court<sup>(772)</sup> or is altered so that the obligatory death penalty for section 295 C, can be commuted into a life sentence (which is limited to 25 years)<sup>(773)</sup>. More cases result in an acquittal or are dropped than cases resulting in a conviction. Comparatively few people are in prison due to the blasphemy laws. One reason is that these accusations are usually not based on facts but result from disputes<sup>(774)</sup>, as it is assumed most blasphemy complaints arise from personal grievances or are used to intimidate vulnerable people<sup>(775)</sup>.

Under the blasphemy law it is very easy to accuse somebody<sup>(776)</sup>. The provisions are vaguely formulated and therefore easy to abuse. While the law requires as a legal safeguard an investigation by a senior police officer before

<sup>(761)</sup> CIA, *The World Factbook: Pakistan*, updated 18 May 2015.

<sup>(762)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(763)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(764)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(765)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(766)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(767)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(768)</sup> HRW, *World Report 2015 – Pakistan*, 29 January 2015; UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(769)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(770)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(771)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(772)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(773)</sup> Local expert, *e-mail*, contacted by BFA Staatendokumentation, 2 November 2012.

<sup>(774)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(775)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(776)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

a charge is filed, this was not uniformly enforced. According to reports the government did not prevent abuses under the blasphemy law <sup>(777)</sup>. Nevertheless, comparatively few cases are reported each year. The accusations of blasphemy had been decreasing in recent years <sup>(778)</sup>, but are strongly increasing <sup>(779)</sup>.

In 2013 the Human Rights Commission of Pakistan (HRCP) said that 41 people had been charged under the Pakistan Penal Code's chapter on 'Offences Relating to Religion' - sections 295 to 298-C of the PPC Blasphemy and 'Anti-Ahmadiyya' laws. These included 13 Christians, 17 Ahmadis and nine Muslims, while the religion of two accused was not known. Eight of these - three Muslim, four Christians and one Ahmadi - were charged under Section 295-C for which the threat of capital punishment exists. For one accused under Section 298-C, the charge was extended to blasphemy during the trial <sup>(780)</sup>. Reuters reported that 100 people were accused of blasphemy in the first seven months of 2014 <sup>(781)</sup>. As of January 2015, HRW confirmed these figures <sup>(782)</sup>.

For the accused persons, the consequences can be severe. The National Commission for Justice and Peace (NCJP) often prefers that the accused remain in custody during trial, since the danger of lynching by incited mobs exists <sup>(783)</sup>. Additionally, a senator noted during a meeting of the Senate Standing Committee on National Harmony that it can take those accused of blasphemy eight to 10 years to prove their innocence in courts. Even in cases of acquittal, upon release the security fears are considerable, so that relocation is often the only real option <sup>(784)</sup>.

There are no systematic state measures for protection and no protective legislation or policies for such cases. In a few cases compensation for false accusations was paid. The Bar Association of lawyers has a Solicitors Committee that offers legal aid but this practice is becoming less frequent <sup>(785)</sup>.

Some aid organisations for people accused of blasphemy exist <sup>(786)</sup>. An example is the aforementioned NCJP, a Christian legal aid organisation which offers assistance in regional offices and also organises and assists with re-settlement. For low-profile cases resettlement within Pakistan is possible, with prominent cases it is not. For these cases contacts with foreign countries have been established to organise relocations. According to the NCJP, this is a dichotomy in the work with the media – on the one hand the media attention is good for the case during the trial, but this might also attract fanatics. The legal aid of NCJP, as such, is not bound to the Christian faith – the assistance is open for all but most their clients are Christians. Muslim victims being represented by Christian groups could raise the suspicion of conversion. Thus if a Muslim victim approaches the NCJP, he/she would rather ask for assistance from a Muslim lawyer <sup>(787)</sup>.

Persons criticising blasphemy laws were reportedly subjected to threats from non-state actors. For example, a Christian lawyer, Pervez Aslam Chaudhry, known for defending and mostly winning blasphemy cases, was repeatedly threatened and attacked, until in 2011 he finally fled Pakistan <sup>(788)</sup>. In 2011 two high-ranking politicians, the influential Governor of Punjab, Salman Taseer, and the Minister for Religious Minorities, Shahbaz Bhatti, were killed because they criticised the blasphemy law which implicated a Christian woman who had been sentenced to death. Since then no serious efforts to reform blasphemy legislation have been made <sup>(789)</sup>. It appears politically impossible to abolish these laws or reduce the instance of capital punishment <sup>(790)</sup>.

Accusations of blasphemy also affect Muslims in Pakistan. However, compared to their share of population, religious minorities are disproportionately accused <sup>(791)</sup>. A problem in some cases is that mobs take the law into their own hands

<sup>(777)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(778)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(779)</sup> Reuters, *Pakistan mob kills woman, girls, over 'blasphemous' Facebook post*, 28 July 2014.

<sup>(780)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(781)</sup> Reuters, *Pakistan mob kills woman, girls, over 'blasphemous' Facebook post*, 28 July 2014.

<sup>(782)</sup> HRW, *World Report 2015 – Pakistan*, 29 January 2015. In 2013, the figures were the same, see USCIRF, *Policy Brief*, March 2014

<sup>(783)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(784)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(785)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(786)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(787)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(788)</sup> Hidden Lives, *The untold stories of urban refugees*, n.d.; IDHAE – World Observatory for Defence Rights and Attacks against Lawyers, *Urgent Action Pakistan, Pervez Aslam Choudhry*, 26 January 2006.

<sup>(789)</sup> Auswärtiges Amt Deutschland, *Pakistan, Staatsaufbau / Innenpolitik*, April 2015; Guardian (The), *Salmaan Taseer murder throws Pakistan into fresh crisis*, 4 January 2011.

<sup>(790)</sup> Religious News Service, *Pakistan's blasphemy laws to require death sentence for false accusers*, 24 September 2013.

<sup>(791)</sup> AI, *Annual Report 2013, The state of the world's human rights, Pakistan*, May 2013.

and attack the accused. Such accusations, therefore, are especially dangerous for religious minority groups<sup>(792)</sup>. In cases where the accused is a member of a minority, violence affects a whole community<sup>(793)</sup>. Although these incidents rarely occur, the Christian community is the one mainly affected. Such an accusation is occasionally brought against Christians in order to incite a mob and expel the community in order to seize their property and land<sup>(794)</sup>.

Often the police do not investigate such threats and fail to intervene<sup>(795)</sup>. The NCJP believes these acts of mob violence can occur easily since usually the offenders are not penalised and there is no deterrent<sup>(796)</sup>. The system of law is the same for all, says HRCP, but there are serious problems, such as police investigations not being properly conducted<sup>(797)</sup>.

### Inter-religious marriage

In daily life, communication between the different faiths is relatively unproblematic, interview partners confirmed<sup>(798)</sup>. Inter-marriages between different religious groups are common and those from different religious backgrounds mainly live beside each other peacefully. A Muslim man marrying a Christian woman usually is unproblematic, while the reverse situation can cause trouble, according to the representative of HRCP<sup>(799)</sup>. However, this peace is unstable. If an ‘incident’, such as a blasphemy accusation, occurs and somebody incites the people, riots can occur quickly<sup>(800)</sup>. It is reported that most inter-religious marriages are considered illegal and that children born of such unions are illegitimate<sup>(801)</sup>.

Marriages are usually performed and registered according to one’s religious group; however, no provision is made for the registration of Hindu and Sikh marriages. Consequently, women of these religious groups face problems with inheritance issues, accessing health services, voting, obtaining a passport and buying or selling property. The marriage of non-Muslim men remains legal when he converts to Islam. However, if a non-Muslim woman who is married according to her previous beliefs converts to Islam, her marriage is dissolved. As a result, her children are considered illegitimate and cannot inherit. For the marriage to be valid and the children to be considered legitimate, the husband must also convert to Islam. If a married Muslim couple converts to another religion, their children are deemed illegitimate and the government may take custody of them<sup>(802)</sup>.

### 3.4.2 Ahmadiyya

The Ahmadiyya community can be roughly divided into two groups. The main group, the Ahmadiyya Muslim Jamaat, has an estimated 600 000 adherents in Pakistan. The group’s own estimate puts the number at about 2 to 5 million. The large gap is attributed to the fact that most Ahmadis tend not to register because this means they are officially regarded as Non-Muslims whereas they identify as being Muslim<sup>(803)</sup>.

The far smaller Lahore branch, ‘Ahmadiyya Anjuman Isha’at-i-Islam Lahore’, is estimated to count about 30 000 adherents worldwide; of those 5 000 to 10 000 are living in Pakistan. Apart from Rabwah, the population areas

<sup>(792)</sup> USCIRF, *Policy Brief*, March 2014.

<sup>(793)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(794)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(795)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014; Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(796)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(797)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(798)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Political officer and head of the economy department, German Embassy, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(799)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Political officer and head of the economy department, German Embassy, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013; Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013; Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(800)</sup> Political officer and head of the economy department, German Embassy, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(801)</sup> Freedom House, *Freedom in the World 2013 – Pakistan*, n.d..

<sup>(802)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(803)</sup> BAMF, *Lage der Religionsgemeinschaften in ausgewählten islamischen Ländern*, August 2011; Schrott, Martina, ‘Die Ahmadis’, 2013.

of both groups correspond, and can be found mainly in Lahore, Karachi, Rawalpindi, Peshawar and other towns in Punjab and Sindh provinces. Further examples for cities, respectively areas with bigger populations, are Khewra, Sargodha, Bhalwal, Shahpur and Gujranwala <sup>(804)</sup>.

The centre of the community is in Rabwah (officially renamed Chenab Nagar) where more than 95 % of the population is Ahmadi <sup>(805)</sup>. Due to their numerical dominance the Ahmadi population may feel relatively safe in Rabwah. However, there are threats as well, since opponents know that there is a concentration of Ahmadis in Rabwah and target the city. Every year several anti-Ahmadiyya meetings are held in Rabwah whereby opponents from other parts of the country are transported into the city. Using loudspeakers these opponents shout anti-Ahmadiyya slogans while the Ahmadis barricade themselves indoors <sup>(806)</sup>.

The beliefs of the Ahmadiyya differ in some core elements from the broad Muslim concept. The belief in the founder of the Ahmadiyya, Muslim Jamaat, being a prophet provokes strong hostilities from orthodox and fundamentalist Muslims, who say this is blasphemous. They see it as insult of the Islamic core doctrine of Mohammed as 'Khatam-un-Nabiyyin', seal of prophets. Therefore, Ahmadiyya are seen as separate from the Muslim *ummah* and consequently as non-Muslim. The agitation and pressure of orthodox and fundamentalist Muslims led to the designation of both Ahmadiyya groups as a Non-Muslim minority in the 1974 constitution, which led to legal restrictions on their religious practices and other forms of discrimination <sup>(807)</sup>.

Although since the rule of Zia-ul Haq some legal improvements and positive steps have been taken <sup>(808)</sup>, sections 298 B and C of the penal code still prohibit Ahmadis from calling themselves Muslims, considering their religious beliefs as Islam, preaching or propagating their beliefs or to 'pose' as Muslims <sup>(809)</sup>. As a consequence, it is also forbidden to call their mosques as such, their call to prayer 'Azhan' (as in Islam), as well as to recite from the Qur'an or conduct Islamic practices in public <sup>(810)</sup>. The three legal mechanisms—the Constitutional (Second Amendment) Act of 1974, section 298 B and C of the penal code—are frequently labelled as 'Anti-Ahmadiyya-Law' (see section 3.1.2 [Blasphemy laws](#)) <sup>(811)</sup>.

The punishment for violating these provisions is imprisonment for up to three years and a fine <sup>(812)</sup>. However, violating the 'Anti-Ahmadiyya laws' might be extended to a charge of blasphemy, carrying the risk of a death sentence. As mentioned, the death penalty has not been carried out for blasphemy yet but can result in a lengthy jail term <sup>(813)</sup>. The prospect of due process and a fair trial is marginal for Ahmadis in the first instance. Frequently, pressure is exerted on judges in the lower instances by extremist religious groups <sup>(814)</sup>. A conviction in such cases in the first trial is frequent, though it is usually overturned by the appellate court. More cases result in acquittal or are withdrawn than lead to a conviction. Bail has been frequently granted in cases under the 'Anti-Ahmadiyya law' section 298. Comparatively few are in prison <sup>(815)</sup>. It is likely that it takes years in the backlogged court system before cases are tried and eventually appealed <sup>(816)</sup>.

Remarkably, at the end of 2012 no Ahmadis were in prison and the 26 arrested during the year were released on bail <sup>(817)</sup>. In 2013, between January and September, Ahmadiyya leaders reported charges against 26 Ahmadis in seven separate cases. Most were charged with violating the 'anti-Ahmadi laws', 10 with blasphemy, and two others under a terrorism clause. Eighteen Ahmadis were arrested in matters relating to their faith during 2013 before being

<sup>(804)</sup> BAMF, *Lage der Religionsgemeinschaften in ausgewählten islamischen Ländern*, August 2011; Schrott, Martina, 'Die Ahmadis', 2013.

<sup>(805)</sup> Persecution of Ahmadis, *Report on the Persecution of Ahmadis in Pakistan*, 31 December 2014.

<sup>(806)</sup> AHRC/IHRCI, *A Beleaguered Community - Report of the fact-finding mission to Pakistan*, 26 March 2015.

<sup>(807)</sup> Vereinigte Evangelisch-Lutheranische Kirchen in Deutschland, *Handbuch Religiöse Gemeinschaften und Weltanschauung*, 2006; Smith, Wilfred, 'Ahmadiyya', 1960; Schrott, Martina, 'Die Ahmadis', 2013.

<sup>(808)</sup> MRG, *World Directory of Minorities and Indigenous Peoples, Ahmadiyyas*, n.d.

<sup>(809)</sup> Pakistan, *Penal Code (Act XLV 1860)*, 6 October 1860, Section 298-C.; US DOS, *International Religious Freedom Report for 2012 – Pakistan*, 20 May 2013.

<sup>(810)</sup> UNHCR, *Presentation DACH Workshop Pakistan*, 1-2 October 2012; US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(811)</sup> UNHCR, *Presentation DACH Workshop Pakistan*, 1-2 October 2012; US DOS, *International Religious Freedom Report for 2012 – Pakistan*, 20 May 2013.

<sup>(812)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(813)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(814)</sup> Local expert, e-mail, contacted by BFA Staatendokumentation, 2 November 2012; compare for cases of pressure by such groups US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(815)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(816)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(817)</sup> US DOS, *International Religious Freedom Report for 2012 – Pakistan*, 20 May 2013.

released on bail, although one remained in custody awaiting trial at the end of the year <sup>(818)</sup>. HRCP recorded nine cases against 30 Ahmadis in 2013 with offences relating to religion; 23 led to arrests <sup>(819)</sup>. In many cases, the police were put under pressure to bring charges by local religious leaders <sup>(820)</sup>.

Legislation is used by citizens to threaten and harass Ahmadis and to settle personal scores <sup>(821)</sup>. Militant groups accuse them of illegally ‘posing as Muslims’ <sup>(822)</sup> and others use the ‘Anti Ahmadiyya laws’ to justify abuse and discrimination. As with the blasphemy law, no measures have been taken by the government to prevent abuses under ‘Anti Ahmadiyya laws’ <sup>(823)</sup>.

The ‘Anti-Ahmadiyya law’ also affects the mosques of Ahmadis. It precludes Ahmadis from reciting the *kalima*, the Islamic testimony of faith. As a result, authorities remove the *kalima* from Ahmadiyya mosques following complaints from local Islamic leaders <sup>(824)</sup>, or instruct Ahmadis to remove the scripture from mosques and minarets. In 2012, for example, USCIRF reported nine such incidents. As passages from the Qur’an are often inscribed on Ahmadi graves, reports recount incidents where Islamic inscriptions were removed from Ahmadi gravestones by local police <sup>(825)</sup>. In some cases police remove the minarets after complaints by clerics. Additionally, there are cases where people have damaged mosques or graves of Ahmadis <sup>(826)</sup>, such as militant groups who vandalised graves in Punjab <sup>(827)</sup>.

The Ahmadiyya community reports that, between 1984, when the ‘Anti-Ahmadiyya laws’ came into force, and 2013, 30 Ahmadi mosques were sealed and the construction of 46 were prevented by authorities. Twenty-eight were demolished or damaged and non-state actors set 13 mosques on fire and forcibly occupied 16 <sup>(828)</sup>.

Since Ahmadis refuse to be specified as Non-Muslims, they cannot take advantage of the affirmative regulations for religious minorities (in which Non-Muslim religions are defined) which means they have no political representation as a community <sup>(829)</sup>. They have also not worked together with the former Ministry for Interfaith National Harmony <sup>(830)</sup>.

Some other administrative restrictions exist in addition to those derived from the ‘Anti-Ahmadiyya laws’. While publishing religious material of other faiths in general is not restricted, the public sale of Ahmadiyya religious literature is banned. Thus, an umbrella Ahmadiyya organisation publishes religious literature only for circulation within the communities. Generally, while missionary activity is legally permitted for Non-Muslims, as long as there is no preaching against Islam, it is forbidden for Ahmadis <sup>(831)</sup>. In addition to official restrictions, obstacles have been reported in administrative areas, which affect the practice of faith. Although the constitution provides for the right to establish places of worship and there is no official restriction on the construction of Ahmadiyya places of worship, in practice district-level authorities have granted no permission for or tried to block the construction or renovation of such buildings. District governments have also often denied Ahmadis permission to hold public events <sup>(832)</sup>.

Ahmadis can only practise their faith on a restricted basis within Pakistani law, either in private or in the community with other Ahmadis <sup>(833)</sup>.

Pakistan’s Ahmadiyya community tends to be comparatively well educated and relatively prosperous <sup>(834)</sup> and has more money available to secure, for example, legal aid <sup>(835)</sup>. The overwhelming majority of the Ahmadis live

<sup>(818)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(819)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(820)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(821)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(822)</sup> See data for 2013: HRW, *World Report 2014 - Pakistan*, 21 January 2014.

<sup>(823)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(824)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(825)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(826)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(827)</sup> See data for 2013: HRW, *World Report 2014 - Pakistan*, 21 January 2014.

<sup>(828)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(829)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

<sup>(830)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(831)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(832)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(833)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(834)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(835)</sup> Representatives of the Human Rights Commission Pakistan, *FFM interview conducted by BFA Staatendokumentation*, 9 March 2013.

together peacefully with their Muslim neighbours<sup>(836)</sup>. However, even within the Pakistani middle and educated class, which is generally more open-minded, little acceptance of their self-designation as Muslims exists<sup>(837)</sup>. Also, social discrimination in the labour market is particularly acute for Ahmadiyya Muslims<sup>(838)</sup>.

Harassment of the Ahmadiyya community has been reported as well: Ahmadiyya students at schools and universities have been expelled and fabricated crime reports were lodged against members of the Ahmadiyya communities to local police<sup>(839)</sup>.

In July 2014, after an accusation of blasphemy against one Ahmadi, mob violence broke out in Gujranwala which targeted the whole community. The mob attacked, plundered and burnt Ahmadi houses. Three females including a girl and an infant died in the flames. Ahmadis claimed police did not come to their aid, though the police insisted they tried to stop the mob. It was the worst attack on the community since 2010, when simultaneous attacks on Ahmadi places of worship killed 86 people. Additional policemen were deployed in the area<sup>(840)</sup> and criminal cases were brought against 420 people<sup>(841)</sup>.

While prosecution of perpetrators seldom occurs, in 2015 an anti-terror court sentenced a person to death for the 2010 attacks on an Ahmadiyya mosque<sup>(842)</sup>.

### Ahmadiyya and ID Cards

On the application form for the national identity card, issued by NADRA, religious affiliation must be stated. Those who want to state 'Muslim' in the form have to sign an affirmation, stating they believe the Prophet Muhammad is the final prophet and denounce the founder of the Ahmadiyya religion as a false prophet. The ID card is necessary to obtain a passport. While religious affiliation is not indicated on the ID, it is designated on the passport<sup>(843)</sup>. Ahmadis who refuse to sign the declaration will only be able to retain the appellation of 'Ahmadiyya'<sup>(844)</sup>. Ahmadiyya leadership discourages Ahmadis from signing the declaration. Signing the declaration could cause problems for them, as they might be accused of 'posing as Muslims' which could lead to prosecution under the Anti-Ahmadiyya laws. There are no reports that Ahmadis are forced to sign the declaration<sup>(845)</sup>.

This regulation hinders Ahmadis' efforts to obtain legal documents or to vote for which an identity card is required. This in turn puts pressure on them to deny their basic tenets or accept being designated Non-Muslim, which is contrary to their beliefs. Many Ahmadis are thus effectively excluded from voting<sup>(846)</sup>.

Ahmadis are the only community on a separate electoral list, while all others, minority or not, are registered in a joint list<sup>(847)</sup>. As a protest against this exclusion, the Ahmadi community boycotted the general election of 2013<sup>(848)</sup>.

### 3.4.3 Christians

According to an official at the British High Commission in Islamabad, cited by the UK Home Office, 2.8 million Christians live in Pakistan, constituting 1.5-3 % of the population. Some Christian sources believe that this should be estimated at 5-10 % of the population<sup>(849)</sup>. The Secretary of the former Ministry of National Interfaith Harmony estimates that about 4 million Christians live in Pakistan<sup>(850)</sup>.

<sup>(836)</sup> Local expert, e-mail, contacted by BFA Staatendokumentation, 2 November 2012.

<sup>(837)</sup> Political officer and head of the economy department, German Embassy, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(838)</sup> Political officer and head of the economy department, German Embassy, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(839)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(840)</sup> Reuters, *Pakistan mob kills woman, girls, over 'blasphemous' Facebook post*, 28 July 2014.

<sup>(841)</sup> The Express Tribune, *Three Ahmadis, including two minors, killed in Gujranwala*, 28 July 2014.

<sup>(842)</sup> USCIRF, *2015 Annual Report*, 2015.

<sup>(843)</sup> UNHCR, *Presentation DACH Workshop Pakistan*, 1-2 October 2012; see also: US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(844)</sup> Asian Human Rights Commission et al, *Report of FFM mission to Pakistan*, 26 March 2015.

<sup>(845)</sup> Landinfo, *Temanotat Pakistan: Forhold for ahmadiyyaer*, 3 July 2014.

<sup>(846)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(847)</sup> HRCP, *State of Human Rights in 2012*, March 2013.

<sup>(848)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(849)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014, pp. 24, 34.

<sup>(850)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

The vast majority of Christians live in the Punjab where they constitute the largest religious minority, of whom 2 million live in Lahore and half a million in other parts of Punjab<sup>(851)</sup>. An interview partner of NCJP estimates that about 90 % of the Christians in Pakistan live in Punjab, mainly in central Punjab. He estimates that almost half of the Christians in Punjab live in the divisions in Lahore (65 churches) and Gujranwala<sup>(852)</sup>. NCJP estimates that – based on the census of 1998 – 8 to 10 % of the population in Lahore is Christian, making it the largest concentration in Pakistan<sup>(853)</sup>.

Other large centres of Christians are Faisalabad (Punjab) and Karachi<sup>(854)</sup>. Islamabad is also home to a high number of Christian communities<sup>(855)</sup>. Nevertheless, as the Secretary of the National Ministry for Interfaith Harmony states, Christians also live in other parts of the country<sup>(856)</sup>. This is illustrated by the fact that, as NCJP states, there are 116 Catholic parishes in 116 districts of Pakistan<sup>(857)</sup>.

NCJP explains that Christians prefer to move into the cities because of better economic prospects, but also because discrimination is more common in rural areas and due to the feeling of insecurity in areas where the Taliban is active<sup>(858)</sup>. A growing trend of Pakistani Christians leaving the country is visible, particularly to live in countries such as Bangladesh and Sri Lanka<sup>(859)</sup>.

Among the Christians in Pakistan, the majority are either Roman Catholic, which constitutes approximately half of the Christians in the country, or belong to the Protestant ‘Church of Pakistan’ which constitutes slightly less than the other half of the Christian population<sup>(860)</sup>. The Church of Pakistan unites four Protestant churches: the Anglican Church, the Methodist Church, the Presbyterian Church and the Lutheran Church. Another major protestant sub-denomination in Pakistan is the Salvation Army. Other evangelical churches in Pakistan are the Baptists, the Seven Day Adventists, the Full Gospel Assemblies Church and the Pentecostal Church, as well as a number of smaller churches and offshoots. There are many small and independent church communities which prosper particularly in the slums<sup>(861)</sup>, and the number of adherents to these so-called ‘charismatic’ churches is increasing<sup>(862)</sup>.

Christians have a certain amount of religious freedom. Symbols such as the cross can be displayed, although this can provoke discriminatory behaviour. For special occasions such as religious assemblies and processions, such as Palm Sunday, preventative police protection measures are taken. However, in Lahore, Palm Sunday processions have not been held since 2004; due to security considerations the Church decided it would be better not to provoke potential attacks. In general, worshippers keep a low profile<sup>(863)</sup>.

The Secretary of the former National Ministry of Interfaith Harmony estimated that, in 2013, the number of churches in Pakistan was about 500, of which 100 dated back to the days of the British Empire<sup>(864)</sup>. NCJP estimates that about 350 Catholic priests and 2 000 nuns work in Pakistan. According to further estimates, 50 Catholic schools (along with other Christian schools) are situated in Lahore. Fifty-four villages in Punjab and four in Sindh are inhabited by Christian communities<sup>(865)</sup>. There are different Christian media in Pakistan such as the Pakistan Christian Post and Christians in Pakistan<sup>(866)</sup>. According to a representative of the Pakistan Interfaith League, church leaders have created facilities for the Christian minority – such as schools, missions and hospitals. However, social differences

<sup>(851)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(852)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(853)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(854)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014, pp. 24, 34.

<sup>(855)</sup> Deputy Commissioner for the Islamabad Capital Territory Administration, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(856)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(857)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(858)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(859)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(860)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(861)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(862)</sup> BAA, *Bericht zur Fact Finding Mission Pakistan vom 8-16.3.2013*, June 2013.

<sup>(863)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Representative of the National Commission of Justice and Peace, *e-mail*, 19 May 2013. Representative of the Human Rights Commission Pakistan, *e-mail*, 31 May 2013.

<sup>(864)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(865)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(866)</sup> Pakistan Christian Post, [website], n.d.

and diverging social classes also exist. Poor Christians often have limited access to Christian schools because of the often high costs for these high-quality private schools, while non-minority citizens who can afford the fees make use of them because they are well rated <sup>(867)</sup>.

Social discrimination against Christians is often traced back to the remains of the caste system. Most Christians are descendants of Hindus from ‘untouchable castes’, who converted during Christianisation. Even today there are people who see Christians as untouchable and ‘impure’ <sup>(868)</sup>. As a result of the social implications of the former caste system, poverty is still very widespread among Christians <sup>(869)</sup>.

Although there is no official discrimination, social discrimination against Christians in employment is widespread and they have difficulty finding jobs other than menial labour <sup>(870)</sup>. However, securing employment generally depends more on familial and personal relations than on religious affiliation <sup>(871)</sup>. Christian activists state that the situation in the private sector has improved in recent years <sup>(872)</sup>. Although many Christians are among the poorest in Pakistan, others are economically and socially well-off and active in politics, education and the health sector <sup>(873)</sup>.

In state service a quota for minorities was introduced and Christians have been recruited in state authorities, according to NCJP. However, in the past they held higher positions; for example, from 1960-1968 the Chief Justice was a Christian. Today, only a few Christians hold higher positions. The NCJP found that there were no Christians working in the higher courts and in the Supreme Court, and in the lower courts there were only one or two <sup>(874)</sup>. Under the former PPP-led government, the Minister for Minorities and, following his assassination, the adviser to the Prime Minister on Minority Issues, heading also the re-named Ministry for Interfaith Harmony, have been Christians.

Christians are also nominated to the newly elected provincial or federal assemblies, addressing issues of Christian minorities in the legislative bodies <sup>(875)</sup>.

Christians are victims of violence from mobs. In March 2013, a mob of approximately 3 000 Muslims <sup>(876)</sup> started a riot in Lahore aimed at a mainly Christian suburb, the Joseph Colony in Badami Bagh <sup>(877)</sup>. An estimated 147 Christian homes were burned down <sup>(878)</sup> and, according to a report, 250 Christian families were affected <sup>(879)</sup>. Nobody was killed <sup>(880)</sup>. The initial trigger of the violence was an accusation of blasphemy against a Christian following a dispute with a Muslim friend four days before the riots <sup>(881)</sup>. The police said that since the evidence was weak they only filed a charge under pressure from Muslim religious groups <sup>(882)</sup> to placate the congregating mob <sup>(883)</sup>. Christians were told by police to evacuate during the night <sup>(884)</sup>. Only when they returned did the police offer sufficient security

<sup>(867)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(868)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013; Assistant Professor National Defence University, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(869)</sup> Deputy Commissioner for the Islamabad Capital Territory Administration, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(870)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014; DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(871)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(872)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

<sup>(873)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(874)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(875)</sup> For example: Christian Member of the Khyber Pakhtunkhwa Assembly of Pakistan Muslim League-Nawaz: Frederick Azeem; Dawn, *KP asked to check forced conversions*, 26 April 2014; National Assembly of Pakistan [website], n.d.; Pakistan Christian Post, *Christian 3, Hindu 5 and 1 Parsi successful in Selection in National Assembly of Pakistan*, 28 May 2013.

<sup>(876)</sup> Express Tribune (The), *Christians under siege, Mob rule in Lahore*, 10 March 2013.

<sup>(877)</sup> Pakistan Today, *No home for the ‘impure’*, 10 March 2013.

<sup>(878)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(879)</sup> Dawn, *Cries for a lost home (land)*, 10 March 2013.

<sup>(880)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(881)</sup> See for example: Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Express Tribune (The), *Police failed to act on first signs of trouble*, 13 March 2013.

<sup>(882)</sup> Pakistan Today, *No home for the ‘impure’*, 10 March 2013.

<sup>(883)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(884)</sup> Dawn, *Cries for a lost home (land)*, 10 March 2013.

measures<sup>(885)</sup>. The houses, however, had been looted and burned down by the mob<sup>(886)</sup>. According to most news and interview partners, the police took no action against the attackers<sup>(887)</sup>. Nevertheless, some news agencies reported that police officers suffered serious injuries in attempts to negotiate with the rioters<sup>(888)</sup>.

The Christians were accommodated in a camp<sup>(889)</sup> and church organisations<sup>(890)</sup> and the Pakistani civil society provided aid and assistance<sup>(891)</sup>. A large contingent of police officers was redeployed to the district after the riots<sup>(892)</sup>. Representatives of the Government including the Prime Minister visited the community in order to express solidarity and condemn the violence<sup>(893)</sup>. Compensation was paid to the affected and the homes were renovated by the Government<sup>(894)</sup>.

The Chief Justice of the Supreme Court, Iftikhar Muhammad Chaudry, instigated *suo motu* ('on its own motion' without being requested by either party) proceedings<sup>(895)</sup> and strongly criticised the police for not protecting the rights and homes of the Christians. He condemned the fact that only lower-ranking superintendents were suspended but no superiors<sup>(896)</sup>. According to differing reports between 150<sup>(897)</sup> and approximately two dozen people<sup>(898)</sup> were identified or arrested and about 50 charged under the Anti-Terrorism Law<sup>(899)</sup>. However, little hope for a comprehensive prosecution of the offenders was expressed by NCJP<sup>(900)</sup>. Nobody was convicted for the crimes committed during the riots, while in March 2014 the accused Christian was sentenced to death for blasphemy<sup>(901)</sup>.

In November 2014 a Christian couple was burnt to death by a mob over allegations of blasphemy. In May 2015 an Anti-Terror Court indicted 106 people who were suspected of being involved in lynching the couple<sup>(902)</sup>.

Illiteracy, poverty<sup>(903)</sup> and marginalisation make the Christian community in Pakistan vulnerable –especially to societal violence<sup>(904)</sup>. Often Christian girls work as domestic servants. In this sector they run a risk of becoming the victim of violence and forced conversion<sup>(905)</sup>. Sexual assaults against underage Christian girls and kidnappings are recorded<sup>(906)</sup>. Forced marriages and conversions of Christian girls are estimated at 100-700 each year<sup>(907)</sup>.

### Attacks on Christians

Christians are affected by target killings. The most prominent Christian victim of a target killing was the Minister for Minorities, Shabaz Bhatti, who was assassinated in 2011 after criticism of the blasphemy law<sup>(908)</sup>. In 2012 the NCJP recorded 11 incidents of target killings of Christians<sup>(909)</sup>. Between August and October 2013 three Christian social

<sup>(885)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(886)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(887)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Pakistan Today, *No home for the 'impure'*, 10 March 2013.

<sup>(888)</sup> Pakistan Today, *No home for the 'impure'*, 10 March 2013; Express Tribune (The), *Christians under siege*, 10 March 2013.

<sup>(889)</sup> Dawn, *CM orders arrests of arsonists*, 10 March 2013.

<sup>(890)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(891)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(892)</sup> Express Tribune (The), *Police failed to act on first signs of trouble*, 13 March 2013.

<sup>(893)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013; Express Tribune (The), *Joseph Colony arson: '54 could be prosecuted under Anti-Terrorism Act'*, 14 March 2013; Dawn, *CM orders arrests of arsonists*, 10 March 2013.

<sup>(894)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(895)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Express Tribune (The), *Joseph Colony arson: '54 could be prosecuted under Anti-Terrorism Act'*, 14 March 2013.

<sup>(896)</sup> Express Tribune (The), *Badami Bagh tragedy: SC demands answers, Lahore police unable to give any*, 14 March 2013.

<sup>(897)</sup> Express Tribune (The), *Joseph Colony arson: '54 could be prosecuted under Anti-Terrorism Act'*, 14 March 2013.

<sup>(898)</sup> Dawn, *Affected families returning home*, 10 March 2013.

<sup>(899)</sup> Express Tribune (The), *Joseph Colony arson: '54 could be prosecuted under Anti-Terrorism Act'*, 14 March 2013; Dawn, *Affected families returning home*, 10 March 2013.

<sup>(900)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(901)</sup> Al, *Pakistan: Christian man sentenced to death under blasphemy law*, 27 March 2014.

<sup>(902)</sup> Dawn, *Christian couple lynching: ATC indicts 106 suspects*, 21 May 2015.

<sup>(903)</sup> Deputy Commissioner for the Islamabad Capital Territory Administration, *FFM interview conducted by BFA Staatendokumentation*, 14 March 2013.

<sup>(904)</sup> USCIRF, *2013 Annual Report*, 30 April 2013.

<sup>(905)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(906)</sup> USCIRF, *2013 Annual Report*, 30 April 2013; USCIRF, *Policy Brief, Prisoners of Belief Individuals Jailed under Blasphemy Laws*, March 2014.

<sup>(907)</sup> USCIRF, *Policy Brief, Prisoners of Belief Individuals Jailed under Blasphemy Laws*, March 2014; Movement for Solidarity and Peace, *Forced Marriages & Forced Conversions in the Christian Community of Pakistan*, April 2014.

<sup>(908)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Auswärtiges Amt Deutschland, *Pakistan, Staatsaufbau / Innenpolitik*, April 2015.

<sup>(909)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

activists were shot and killed by armed gangsters in a Karachi slum where hundreds of Hindu and Christian families reside. They were confronted with a struggle for territory between criminal gangs and a lack of help from authorities and police. Following the killings the majority of the residents, approximately 600 families, moved to other areas<sup>(910)</sup>.

Grievances against the West are also affecting the Christian community in Pakistan. When, in September 2012, street demonstrations against an anti-Islam film by an American amateur took place in Pakistan, a protesting mob also torched a Lutheran Church, high school, library and houses of clergymen in the Mardan district of Khyber Pakhtunkhwa. Another church was attacked in Hyderabad, Sindh, with one person injured<sup>(911)</sup>.

In the deadliest attack against Christians in Pakistan's history, on 22 September 2013, two suicide attackers targeted the All Saints Church in Peshawar, in Khyber Pakhtunkhwa<sup>(912)</sup>. The reported number of fatalities in the attack varies greatly; the government and the media estimated that 85 were killed and more than 100 injured, while Christian sources claim twice as many died. HRCP says more than 100 people died. The attackers struck just after Sunday mass when hundreds of worshippers were gathered. Two policemen standing guard outside the church were shot in advance. The militant group that claimed responsibility stated it was revenge for US drone attacks. The federal and provincial governments announced three days of mourning as well as 500 000 rupees in compensation for the family of each deceased. Policemen were stationed at major churches. However, according to HRCP, investigations against the perpetrators were not conducted in a substantial manner<sup>(913)</sup>. Protests erupted in cities such as Peshawar, Islamabad, Lahore and Karachi<sup>(914)</sup>.

Some clashes followed these acts of large-scale violence. During the demonstrations of Christians in the aftermath of the Lahore mob violence, clashes were reported between the protesters and police and, a few weeks after the mob attack, Christians and Muslims clashed in Gujranwala. In the protests following the church bombing, a number of Christians and Muslims clashed in Karachi. A Muslim man was killed and three houses were set on fire in mainly Christian areas of the city. Charges of blasphemy were brought against three Christian protesters after complaints that they hit a mosque with sticks and stones<sup>(915)</sup>.

In 2013, five other attacks on churches, or policemen assigned to protect the buildings, were reported: In April 2013, unidentified people tried to burn a church in Punjab, damaging the building and in August the interior of a church in Lahore was burnt. In August, July and November respectively one policeman was killed while guarding assigned churches in Peshawar<sup>(916)</sup>. In March 2014 a group armed with firearms destroyed the foundation construction of a church in Okara district of Punjab province. The Christians went to the police and a First Information Report was lodged against several of the suspects. However, at the time no arrests were made and the suspects threatened the Christian who lodged the complaint<sup>(917)</sup>.

On the other side of the societal spectrum, as a sign of solidarity of Pakistan's Muslim community with the Christian minority after the September 2013 attack, civil-society activists formed human chains around churches and Muslim leaders such as Pakistan Ulema Council, Pakistan's biggest clerical Muslim organisation, strongly condemned the violence<sup>(918)</sup>.

In March 2015, 14 people died and approximately 80 were injured in bomb blasts outside two churches in a Christian neighbourhood in Lahore that targeted worshippers. A splinter group of the Pakistani Taliban, calling itself Jamaat-ul-Ahrar, claimed responsibility for the two attacks. After the bombings, Lahore's Christian community demonstrated about the lack of security and a mob lynched two men who were suspected of involvement<sup>(919)</sup>. These bombings in Lahore were the first major attack on Christians since the September 2013 attack<sup>(920)</sup>.

Various Christian organisations work in the social, legal and political fields in order to empower Christians and improve their situation. NCJP is an organisation providing legal assistance, which was established by the Catholic Bishops'

<sup>(910)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(911)</sup> HRCP, *State of Human Rights in 2012*, March 2013.

<sup>(912)</sup> BBC, *Pakistan blasts: Burials amid anger after Peshawar church attack*, 23 September 2013.

<sup>(913)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(914)</sup> BBC, *Pakistan blasts: Burials amid anger after Peshawar church attack*, 23 September 2013.

<sup>(915)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(916)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(917)</sup> Pakistan Christian Post, *Extremist Muslim vandalize Church foundations in a village near Okara*, 4 March 2014.

<sup>(918)</sup> HRCP, *State of Human Rights in 2013*, March 2014, p. 94; Economic Times (The), *Pakistan yet to punish attackers of religious minorities: US report*, 29 July 2014; Neue Zürcher Zeitung, *Über 70 Tote bei Attentat auf Kirche in Pakistan*, 22 September 2013.

<sup>(919)</sup> Time, *Twin Bombings Outside Pakistan Churches Kill 14*, 15 March 2015.

<sup>(920)</sup> IRIN News, *What terrorism does: Fear and anger for Christians after Pakistan bombs*, 19 March 2015.

Conference of Pakistan. Another important task is lobbying and campaigning for the concerns of the Christian minority, nationally to the competent authorities as well as internationally. Due to the social situation of the Christian community, the NCJP is active in the areas of minorities, education, women and labour rights. The NCJP deals with approximately 100 cases per year, relating to blasphemy, discrimination in the workplace or in the education system, as well as violence against women. It creates dialogue with politicians, police and administration and enjoys a credibility of neutrality<sup>(921)</sup>.

The Pakistan Interfaith League (PIL) is a social movement for inter-religious tolerance in Pakistan. It cooperates with the United Council of Churches of Islamabad and the National Supreme Council of Bishops. The PIL also collects reports on violence against minorities and on accusations of blasphemy and supports the victims. The affiliated PILAP is an aid organisation for the reduction of poverty and works, among other areas, in disaster relief<sup>(922)</sup>.

According to NCJP, the Christian community attempts to achieve a balance and remain neutral. It cooperates with the important stakeholders, though efforts to amend the blasphemy law were unsuccessful; however, in the case of the Hudood laws, there was some success as the entire civil society worked together for amendments. The former Prime Minister had a Christian adviser for national minorities who was also able to criticise the government. Dialogue with the government authorities is possible<sup>(923)</sup>. NCJP and PIL confirm that they find recognition and are also listened to in government circles<sup>(924)</sup>.

PIL emphasises the great value of cooperation with Muslim scholars and cooperated with the Pakistan Ulema Council, in particular the Chairman, Mohammad Tahir Mehmood Ashrafi, to campaign intensively for the release of Rimsah Masih (a mentally ill Christian girl who was accused of burning a Qur'an) and against the misuse of the blasphemy law<sup>(925)</sup>. The case was the first in which not only Christians but also Muslim organisations spoke out for the victim<sup>(926)</sup>. Following the attack against Christians in Lahore in March 2013, the PIL and Ulema Council jointly demanded, among other things, a public investigation and the prosecution of the offenders and the police officers who took no action<sup>(927)</sup>.

### 3.4.4 Hindus

According to an estimate by the Pakistan Hindu Council (PHC) more than 7 million Hindus live in the different provinces of Pakistan, constituting about 5.5 % of the total population<sup>(928)</sup>. Most sources, such as HRCP, refer to a Hindu population in Pakistan in excess of two<sup>(929)</sup> or three million<sup>(930)</sup>. According to an official at the British High Commission in Islamabad, Hindus constitute 1.5 % of the population<sup>(931)</sup>.

The majority of Pakistani Hindus – approximately 94 % – live in Sindh, where, according to estimates of the PHC, they account for 17 % of the population of the province. More than half of the Hindu population is concentrated in the south-eastern district of Tharparkar which borders India. More than 4 % are living in Punjab, where PHC states they account for less than 1 % of the population, while a small part of the Hindu population is settled in Balochistan (estimated at 1 %) and Khyber Pakhtunkhwa (slightly less)<sup>(932)</sup>.

When Pakistan and India became separate countries in 1947, widespread inter-religious violence between Hindus and Muslims plagued the two emerging countries. In Pakistan, Khyber Pakhtunkhwa and Punjab were mainly affected, but Sindh Hindus feared that violence might spread to their province as well after partition. Thus, the great majority

<sup>(921)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; European Parliament, *European Parliament resolution of 10 March 2011 on Pakistan, in particular the murder of Shahbaz Bhatti*, (2012/C 199 E/21), 11 March 2011; European Parliament, *European Parliament resolution of 20 May 2010 on religious freedom in Pakistan*, (2011/C 161 E/21), 20 May 2010.

<sup>(922)</sup> The Christian leader of the PIL joined the Pakistan Tehreek-e-Insaf party of Imran Khan as adviser on national minorities' affairs. As a result the PIL should be seen as politically close to the party. Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(923)</sup> Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013.

<sup>(924)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(925)</sup> See for example: The Guardian, *Christian girl hailed as 'daughter of nation' by senior Pakistani cleric*, 3 September 2012; The Guardian, *Pakistani Muslim leaders support Christian girl accused of blasphemy*, 27 August 2012.

<sup>(926)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(927)</sup> Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013; Pakistan Observer, *Compensation to Badami Bagh victims 'insufficient'*, 13 March 2013; South Asia News Agency, *PUC & PIL asks govt to investigate Badami Bagh tragedy*, n.d.

<sup>(928)</sup> Pakistan Hindu Council, *Population of Hindus in the Pakistan*, n.d.

<sup>(929)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(930)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(931)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(932)</sup> Pakistan Hindu Council, *Population of Hindus in the Pakistan*, n.d.

of Hindus living during partition in what is today Pakistan had already migrated to India by late 1948<sup>(933)</sup>. However, hundreds of thousands of Hindus decided to stay in Pakistan and most remained even during the 1965 and 1971 wars between the two countries<sup>(934)</sup>.

Due to the rise in intolerance and extremism, it becomes more and more difficult for religious minorities in Pakistan even in the traditionally tolerant Sindh<sup>(935)</sup>. Upper Sindh has a long history of inclusion in the social, political, economic and even religious life, but that seems to be changing. In recent years, more and more reports tell of Hindus emigrating because of social discrimination, violence or threats of violence. Most of the reports of Hindus leaving Pakistan stem not just from Sindh, but also from Balochistan where the Hindus lived in peace for centuries, but who now feel insecure in various districts<sup>(936)</sup>.

A Hindu member of Pakistan's National Assembly from the ruling PML-N estimated that about 5 000 Hindus were leaving Pakistan each year<sup>(937)</sup>, mainly to India<sup>(938)</sup>.

Hindus face social discrimination<sup>(939)</sup>. Economically they constitute a very underprivileged group<sup>(940)</sup> as many of them belong to the former 'scheduled castes' and are landless agricultural labourers in the rural areas of Sindh and Punjab, many even in debt bondage. However, there is an ample social divide between the Hindu community, so that those of the 'scheduled' castes even face discriminatory behaviour from 'upper caste' Hindus<sup>(941)</sup>.

On the other side of the Hindu population strata, a significant part of Pakistani Hindus is active in commerce, trade and the civil service and is well educated<sup>(942)</sup>. In Jacobabad, for example, where about 40 000 Hindus live, 70 % of local businesses are run by Hindus<sup>(943)</sup>.

Hindu businessmen are especially at risk of abduction with the aim of extortion<sup>(944)</sup>. In Balochistan in particular, but also in parts of Sindh, reports of abduction for money are a concern in the community<sup>(945)</sup>. Robberies and abduction for cash have increased in parts of Sindh<sup>(946)</sup>.

Of major concern for the Hindu community are the increasing reports of kidnapping of Hindu girls and women for forceful conversion to Islam and marriage to Muslim men or boys<sup>(947)</sup>, especially in Sindh. While precise numbers are difficult to ascertain<sup>(948)</sup>, some Hindu activists estimate there are 20 such cases every month in Karachi<sup>(949)</sup>, and some estimates refer to 1 000 cases of conversion per year in Sindh<sup>(950)</sup>.

In February 2013, political parties and civil-society activists demonstrated in Karachi to protest against the kidnapping and forced conversion of Hindu girls<sup>(951)</sup>. The Sindh Government set up a three-member committee to consider

<sup>(933)</sup> Pakistan Hindu Council, *Population of Hindus in the Pakistan*, n.d.

<sup>(934)</sup> HRCP, *State of Human Rights in 2012*, March 2013.

<sup>(935)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(936)</sup> HRCP, *State of Human Rights in 2012*, March 2013.

<sup>(937)</sup> Times of India, *Mapping temples in Pakistan*, 27 July 2014.

<sup>(938)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(939)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(940)</sup> Local expert, e-mail, contacted by BFA Staatendokumentation, 2 November 2012.

<sup>(941)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(942)</sup> Pakistan Hindu Council, *Population of Hindus in the Pakistan*, n.d.

<sup>(943)</sup> News International (The), *Hindu community not to leave Pakistan*, declares Panchayat, 15 August 2012.

<sup>(944)</sup> News International(The), *Hindu community not to leave Pakistan*, declares Panchayat, 15 August 2012.

<sup>(945)</sup> HRCP, *State of Human Rights in 2012*, March 2013; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(946)</sup> News International(The), *Hindu community not to leave Pakistan*, declares Panchayat, 15 August 2012.

<sup>(947)</sup> USCIRF, *Policy Brief, Prisoners of Belief Individuals Jailed under Blasphemy Laws*, March 2014; DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(948)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(949)</sup> The Hindu, *Forced conversion of Hindu girls on the rise: Pak Hindu Council*, 7 January 2014; USCIRF, *2013 Annual Report*, 30 April 2013; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(950)</sup> World Hindu News, *Pakistan works to stop Hindu girls' forced marriages*, 13 July 2014; Representatives of the National Commission of Justice and Peace, *FFM interview conducted by BFA Staatendokumentation*, 10 March 2013; Representatives of the Pakistan Interfaith League, *FFM interview conducted by BFA Staatendokumentation*, 11 March 2013.

<sup>(951)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

a law to stop forced marriages of Hindu girls <sup>(952)</sup>. In June 2014 the National Assembly's Standing Committee on Law, Justice and Human Rights approved a draft law of the Hindu Marriage Bill 2014 which aims to combat forced conversions and marriage <sup>(953)</sup>.

Hindu members of the National and the Sindh Provincial Assembly have taken the issues of forced conversion and forced marriage to the Parliament and court, according to media reports <sup>(954)</sup>.

Hindus have also been confronted with reprisal abuse from extremists when it was believed that Muslims in India had been targeted because of their faith <sup>(955)</sup>.

Pakistan's Hindu community is legally free to worship. However, there have been incidents of damage to Hindu temples <sup>(956)</sup>. The demonstrations against an American amateur anti-Islam film in 2012 also saw a Hindu temple vandalised by protesters (the police filed blasphemy charges against the attackers). At least three Hindu temples were vandalised in 2012 <sup>(957)</sup>.

Allegations of a Hindu man committing blasphemy by desecrating the Qur'an led to a mob burning down a Hindu temple in Larkana in March 2014. In March 2014, a 150-year-old temple in Karachi was under threat due to nearby construction works. Several activists demonstrated in support of the Hindu community <sup>(958)</sup>.

Legal difficulties arise for Hindus because there is no law or mechanism in Pakistan that governs the registration of Hindu marriages. This affects a Hindu couples' rights as it creates complications in matters of divorce, maintenance, inheritance, applications for passports and accessing health care. According to HRCP, married couples are harassed by police and asked for money. Couples often have to prove their marriage by carrying invitation cards or wedding photographs. The committee of experts established to prepare a draft law against forced conversions was also ordered to include the issue of registration of Hindu marriage in consultation with lawmakers from the Hindu community <sup>(959)</sup>.

Different Hindu socio-political and/or welfare organisations in Pakistan, such as the Pakistan Hindu Council, the Pakistan Hindu Panchayat, the Shri Maharashtra Panchayat, the Pakistan Hindu Seva and the Pakistan Hindu Seva Welfare Trust, have all called for better conditions <sup>(960)</sup>.

The Pakistan Hindu Panchayat, for example, organises support for Hindu candidates in Hindu elections, and lobbies on issues important to Hindus, such as the security of temples, abduction of Hindus for ransom and forcible conversions. With branches in all Pakistani provinces, it aims to unite the Hindu community to protect basic rights, freedoms and interests, and advance education and opportunity <sup>(961)</sup>.

In the general elections of May 2013 numerous political parties in Sindh named candidates from religious minorities to contest in the elections. However, only few were nominated in constituencies where they had a realistic chance of winning. 'Scheduled caste' Hindus in Sindh complained in a demonstration that only upper-caste Hindus had been nominated by the political parties for the elections, while demanding that more representatives of the scheduled castes should be named by the parties as minority candidates <sup>(962)</sup>.

Prior to the poll, the Election Commission of Pakistan issued a code of conduct for political parties and candidates, firmly prohibiting seeking votes in the name of religion or campaigning against any person on the basis of religion, ethnicity, caste or gender. However, a *madrassa* in Sindh distributed a pamphlet calling on Muslims not to vote for Hindus, describing them as infidels and saying that a vote for a Hindu candidate was a betrayal of Islam. The authorities and the Election Commission did not take any action after the pamphlet was distributed <sup>(963)</sup>.

<sup>(952)</sup> The Hindu, *Forced conversion of Hindu girls on the rise: Pak Hindu Council*, 7 January 2014.

<sup>(953)</sup> World Hindu News, *Pakistan works to stop Hindu girls' forced marriages*, 13 July 2014.

<sup>(954)</sup> For example: Dr. Ramesh Kumar Vankwani, PML-N Member National Assembly; The Hindu, *Forced conversion of Hindu girls on the rise: Pak Hindu Council*, 7 January 2014.

<sup>(955)</sup> HRCP, *State of Human Rights in 2012*, March 2013.

<sup>(956)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(957)</sup> HRCP, *State of Human Rights in 2012*, March 2013.

<sup>(958)</sup> Times of India, *Mapping temples in Pakistan*, 27 July 2014.

<sup>(959)</sup> HRCP, *State of Human Rights in 2013*, March 2014; DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(960)</sup> See for example: Express Tribune (The), *Discussing their rights: Hindu Panchayat claims govt does nothing but condemn*, 12 August 2014.

<sup>(961)</sup> Gupta, Om, *Encyclopedia of India, Pakistan and Bangladesh*, 2006.

<sup>(962)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(963)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

The general elections in May 2013 also saw a ‘lower-caste’ Hindu woman from Sindh as the first former bonded labourer to contest general election. Although she only got 503 votes, her candidacy was hailed as a milestone for women from marginalised communities and for bonded labourers <sup>(964)</sup>.

### 3.4.5 Sikhs

Pakistan is considered the place of origin of the Sikh religion since its founder, Guru Nanak, was born in what is today Pakistan <sup>(965)</sup>, in Nankana Sahib <sup>(966)</sup>. As some of the holiest sites of Sikhism are located in Pakistan, many pilgrims visit the country every year <sup>(967)</sup>. Under the Nehru-Liaquat Pact, India and Pakistan have permitted Sikh devotees to visit sacred sites in Pakistan on certain religious occasions <sup>(968)</sup>.

The local Sikh community in Pakistan is estimated at about 15 000 <sup>(969)</sup> to 20 000 <sup>(970)</sup>. Sikhs reside mainly in parts of KP, with approximately 500 Sikh families living in its provincial capital Peshawar, the FATA and Punjab <sup>(971)</sup> with the highest concentration in Lahore <sup>(972)</sup>. The website All about Sikhs lists 150 *gurdwaras* (places of worship for Sikhs) in Pakistan, while it is not revealed how many of these are still used <sup>(973)</sup>. According to Pakistan Sikh Council, 17 *gurdwaras* are situated in Sindh <sup>(974)</sup>.

Generally, many Sikh shrines have fallen into disrepair since 1947, as the remaining Sikh population and its economic power and political influence is minuscule compared to pre-1947 <sup>(975)</sup>. Reports tell of a poor upkeep of the shrines by the Pakistan Sikh Gurdwara Parbandhak Committee with several shrines in need of urgent repair <sup>(976)</sup>.

The security situation in the main Sikh settlements in FATA and KP is heavily influenced by the fact that these provinces are the main hideouts of Taliban groups and thus bear the brunt of militancy and attacks in Pakistan.

Sikh residents in the FATA – mainly those who run businesses – have faced abductions for ransom, extortion, intimidation and attacks by extremist militants. There are also reports in areas in the FATA where militants prevail, that they demand *jizya*, a kind of Islamic protection tax for Non-Muslims, from Sikhs. The Taliban in Khyber Agency of FATA give the ‘tax’ even a kind of official seal by handing out written receipts for the paid *jizya*. Many Sikhs in the Taliban-affected Tirah valley in Khyber Agency, the Orakzai and Kurram agency of the FATA, moved to Peshawar, the close provincial capital of Khyber Pakhtunkhwa, to escape militancy and lawlessness in those areas <sup>(977)</sup>. However, Khyber Pakhtunkhwa, and particularly Peshawar, is largely affected by Taliban attacks and other (affiliated) militants or extremists.

In the settled areas of Khyber Pakhtunkhwa, killings of Sikhs, mainly in their businesses, are increasing with at least three killed in 2013 <sup>(978)</sup>, while another three were killed within only a month in August/ September 2014, two of them in Peshawar <sup>(979)</sup>.

Most Sikhs relocate from Khyber Pakhtunkhwa and the FATA to Hasanabdal, Punjab <sup>(980)</sup> where a bigger Sikh community lives, and to Rawalpindi, Punjab <sup>(981)</sup>. However, the Express Tribune estimates that, since 2005, a total of 40 to 50 Sikh families have also migrated to India <sup>(982)</sup>.

<sup>(964)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(965)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(966)</sup> Shiromani Gurdwara Parbandhak Committee, *Historical Gurdwaras Of Pakistan, Nankana Sahib*, n.d.

<sup>(967)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(968)</sup> Sikh Net, *Sikh devotees return from Pakistan, report on poor state of shrines*, 23 April 2013.

<sup>(969)</sup> Express Tribune (The), *Mutual respect: Appreciation of cultural diversity, interfaith harmony urged*, 8 August 2014.

<sup>(970)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(971)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(972)</sup> Secretary of the National Ministry of Harmony, *FFM interview conducted by BFA Staatendokumentation*, 15 March 2013.

<sup>(973)</sup> All about Sikhs, *List of Gurudwaras in Pakistan*, n.d.

<sup>(974)</sup> Dawn, *Clouds of Distrust*, 27 May 2014.

<sup>(975)</sup> Punjabi Janta, *Sikhism in Pakistan*, 20 June 2010; Dawn, *Clouds of Distrust*, 27 May 2014; HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(976)</sup> Sikh Net, *Sikh devotees return from Pakistan, report on poor state of shrines*, 23 April 2013.

<sup>(977)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(978)</sup> Express Tribune (The), *Targeted killing: Sikh teenager shot dead*, 7 August 2014.

<sup>(979)</sup> Express Tribune (The), *Another Sikh gunned down in K-P*, 6 September 2014.

<sup>(980)</sup> Express Tribune (The), *Mutual respect: Appreciation of cultural diversity, interfaith harmony urged*, 8 August 2014.

<sup>(981)</sup> Sikh Siyasat News, *Repeated targeted killings outrage Sikhs in Pakistan: Peshawar killing sparks protest*, 6 August 2014.

<sup>(982)</sup> Express Tribune (The), *Mutual respect: Appreciation of cultural diversity, interfaith harmony urged*, 8 August 2014.

From mid-2013, desecration by burning and tearing of the *Guru Granth Sahib*, the Sikh holy book, at several Hindu temples in cities in Sindh<sup>(983)</sup> continued until May 2014 and enraged the Sikh community<sup>(984)</sup>. The *Guru Granth Sahib* is guarded in some Hindu temples as parts of the Hindu community regard it as holy<sup>(985)</sup>. Corresponding practices and beliefs lead Hindu and Sikhs to use the same temples in some cases<sup>(986)</sup>.

Hindu leaders and the Pakistan Sikh Council, as well as Muslim scholars, condemned the acts of desecration and the Hindu perpetrators who want to create hatred between Sikhs and Hindus in Pakistan<sup>(987)</sup>. The Pakistan Sikh Council said no conflict had been reported in any of the 17 *gurdwaras* in Sindh<sup>(988)</sup>.

The community turned to the Chief Justice who ordered the Advocate General that FIRs of the incidents should be submitted in court under Section 295 of the Pakistan Penal Code – the blasphemy section<sup>(989)</sup>. On 24 May 2014 about 300 Sikhs assembled in Islamabad to protest in Parliament against the desecration of their holy book<sup>(990)</sup>.

The Sikh community faces the same difficulties over the lack of a registration of marriages as the Hindu community<sup>(991)</sup>.

In the 2013 general elections, Ramesh Singh Arora became the first Sikh member of Punjab Assembly. He was nominated by Pakistan Muslim League (PML-N) on a seat reserved for religious minorities. In the provincial assembly of Khyber Pakhtunkhwa, a member of the Sikh community is represented on a seat reserved for minorities, nominated by the Pakistan Tehrik-e-Insaf<sup>(992)</sup>.

### 3.4.6 Muslim Sects

#### Sunni Islam

Sunnis in Pakistan are a highly diverse group. Sunni Islam in Pakistan may broadly be categorized into three sub-sects: the Deobandis, the Barelvis and Ahl-e-Hadith<sup>(993)</sup>. Barelvi form the majority with an estimated 60 % of Pakistan's Sunni population. Deobandi followers are estimated to account for about 35 % of Sunnis and therefore constitute the second-largest Sunni sub-sect in Pakistan<sup>(994)</sup>. A small number of Sunnis in Pakistan (about 5 %) follow the Ahl-e-Hadith (Salafi) school<sup>(995)</sup>.

*Madrassas* are grouped on the basis of the school of thought (*maslak*) they adhere to and are affiliated with their respective umbrella organisations called *wafaq* or *tanzim*:

- Wafaq ul Madaris Al-Arabia Pakistan (Deobandi)
- Tanzim ul Madaris Ahl-e-Sunnaht Pakistan (Barelvi)
- Wafaqul Madaris Al Salafia (Ahl-e-Hadith)
- Rabita-tul-Madaris Islamia (Jamat-i-Islami)
- Wafaq ul Madaris Al Shia<sup>(996)</sup>

Since the introduction of the Madrassah Registration Ordinance all *madrassas* have to register with one of the five independent boards (*wafaqs*) or directly with the government. However, there are many unregistered *madrassas* operating<sup>(997)</sup>.

<sup>(983)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(984)</sup> Dawn, *Sikh council gives five-day deadline to govt for arrest of desecration suspects*, 27 May 2014.

<sup>(985)</sup> Indian Express (The), *The fading memory of amity*, 27 June 2014.

<sup>(986)</sup> Daily Times (The), *Sikhs live amid rare agony from Hindu 'extremists' in Sindh*, 31 May 2014.

<sup>(987)</sup> Onislam, *Hindu-Sikh Tensions Escalate in Pakistan*, 16 September 2013; Dawn, *Sikh council gives five-day deadline to govt for arrest of desecration suspects*, 27 May 2014.

<sup>(988)</sup> Dawn, *Clouds of Distrust*, 27 May 2014.

<sup>(989)</sup> Dawn, *Sikh council gives five-day deadline to govt for arrest of desecration suspects*, 27 May 2014.

<sup>(990)</sup> Indian Express (The), *The fading memory of amity*, 27 June 2014.

<sup>(991)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(992)</sup> HRCP, *State of Human Rights in 2013*, March 2014.

<sup>(993)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010; Express Tribune (The), *The Widening Split*, 26 April 2010.

<sup>(994)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013; Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(995)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(996)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(997)</sup> US DOS, *International Religious Freedom Report for 2013 – Pakistan*, 28 July 2014.

## Deobandi

The Sunni Deobandi school of thought derives its name from the town of Deoband in India<sup>(998)</sup>, where the first *madrassa*/university of this sub-sect, the Dar-al-Uloom, was established in 1867 (in some sources 1866)<sup>(999)</sup>, in the early period of India's struggle for independence from British colonial rule<sup>(1000)</sup>. The university was formed as a reaction to Western civilization and culture with the purpose of saving Islam and Islamic teachings<sup>(1001)</sup>. The school's founders, Mohammad Qasim Nanautawi and Rashid Ahmed Gangohi<sup>(1002)</sup>, set up the centre to establish a place where Muslims could escape what they believed was the corrupting encroachment of Western civilization. The school wished to offer a place where Muslims could return to what they believed was the 'pure' Islam<sup>(1003)</sup>. The *madrassa* at Deoband was based on the British formalised way of education instead of the traditional, informal familial style. Nevertheless, it did not include Western sciences and focused on the study of the Qur'an, the Hadith and Islamic Law and Science<sup>(1004)</sup>. They aimed to train a new generation of educated Muslims who would revive Islamic values based on intellectual learning, spiritual experience, Sharia law and *Tariqath* or the 'path'<sup>(1005)</sup>.

The Deobandi School is among the most literal and puritanical sects of Sunni Islam<sup>(1006)</sup>. It opposes folk Islam, which focuses on mysticism of shrines, intercession by saints and related customary celebrations. The Deobandis, in contrast to the common practice of the *pirs* (sufi saints, spiritual guides) of the shrines, emphasised as far more effective the central individual responsibility of the disciple to adhere to the law<sup>(1007)</sup>. As such Deobandi Islam is centred on mosques and *madrassas*<sup>(1008)</sup>.

Their belief is against any folk custom practices such as those to which the Shia and Barelvi adhere and comes close to the rigid Wahabi ideology, which has its roots in Saudi Arabia<sup>(1009)</sup>. The Deobandis discourage many of the popular festivals and rituals that the Barelvis associate with Sufi shrines but, unlike the more extreme Wahhabis, Deobandis do not encourage the destruction of shrines<sup>(1010)</sup>.

While Britain ceded control of the Indian subcontinent, the Deobandis aligned themselves with Mahatma Gandhi against the leading Indian Muslim politician of the time, Mohammad Ali Jinnah. Like Gandhi, the Deobandis opposed the partitioning of India into two states, of which one for Muslims (to be called Pakistan), and instead aimed at uniting Indians to create a democratic state for Indians of all faiths. In 1947 when the subcontinent was divided the Deobandis decided not to move to the new state of Pakistan. As the two new states soon were on hostile terms, followers of the movement in Pakistan had to create their own centres of learning as they no longer had access to the centre in Deoband. Instead of weakening the movement, this led to a prospering of Deobandi *madrassas* as in the new environment new leaders could develop without having to focus on the centre's authority<sup>(1011)</sup>.

In 1971, the number of Deobandi *madrassas* in Pakistan had already increased to 900<sup>(1012)</sup>. In the 1970s the regime of military ruler Zia ul-Haq clearly favoured the Deobandi School in administration and funding, thus disadvantaging Shias and Barelvis. Reports indicate that numerous Barelvi mosques were declared Deobandi by the administration<sup>(1013)</sup>.

With Zia ul-Haq's regime funding the sect and donations from more than 45 Muslim countries, the number of Deobandi *madrassas* in Pakistan rose to an official figure of 8 000, with an estimated 25 000 unregistered *madrassas* instructing half a million students by 1988<sup>(1014)</sup>. Its umbrella organisation, Wafaq ul Madaris Al-Arabia, Pakistan, which

<sup>(998)</sup> Human Rights Watch, 'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014.

<sup>(999)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010; Kraml, Roland, *Changes in Pashtun tribal structure since 1978: the influence of war, foreign militaries and militant political Islam*, 2012; New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012.

<sup>(1000)</sup> New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012.

<sup>(1001)</sup> Human Rights Watch, 'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014; Fox News, *At Pakistan's 'Taliban U,' jihadists major in anti-Americanism*, 8 February 2014.

<sup>(1002)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1003)</sup> New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012.

<sup>(1004)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1005)</sup> Kraml, Roland, *Changes in Pashtun tribal structure since 1978: the influence of war, foreign militaries and militant political Islam*, 2012.

<sup>(1006)</sup> Human Rights Watch, 'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014.

<sup>(1007)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1008)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1009)</sup> Express Tribune (The), *The Widening Split*, 26 April 2010.

<sup>(1010)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1011)</sup> New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012.

<sup>(1012)</sup> Kraml, Roland, *Changes in Pashtun tribal structure since 1978: the influence of war, foreign militaries and militant political Islam*, 2012.

<sup>(1013)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1014)</sup> Kraml, Roland, *Changes in Pashtun tribal structure since 1978: the influence of war, foreign militaries and militant political Islam*, 2012.

was founded in 1957 in Pakistan, today counts more than 8 000 *Iqra* Schools and 10 000 seminaries as affiliates in Pakistan and denotes itself as the largest federation of Islamic seminaries in the world<sup>(1015)</sup>. Deobandi *madrassas*, often funded from abroad, greatly outnumber Barelvi *madrassas* in Pakistan and also constitute the majority of the Sunni *Ulema* (Islamic scholars), despite their smaller share of the population. The strength of the movement can also be seen in the expansion of Deobandi *madrassas* to Europe and North America<sup>(1016)</sup>.

### *Deobandi extremism*

Without a centralist hierarchy and without recognised religious leaders, the Deobandi school of thought in Pakistan split into many factions and some of them developed into extremist groups<sup>(1017)</sup>. Today, the Deobandis in Pakistan are often associated with hardline interpretations<sup>(1018)</sup>, and many of the Deobandi centres are labelled as hardline, since a number of the Deobandi *madrassas* have been linked to extremism<sup>(1019)</sup>.

In fact, the Deobandis are the sub-denomination which most of Pakistan's and Afghanistan's Taliban and sectarian militia adhere to with many of the militant leaders religiously and ideologically educated at Pakistani Deobandi *madrassas*<sup>(1020)</sup>. According to most sources, the overwhelming majority of particularly anti-Shia militant groups operating in Pakistan, follow, or claim to follow, a form of Deobandi or Salafi Islam<sup>(1021)</sup>. Some Deobandi *madrassas* have sent fighters not only to Afghanistan but also to Kashmir, Chechnya and Bosnia.

Deobandism is also one of the main religious influences on the ideology of the Taliban, the other one being Wahabism – a strict and austere tradition within the Sunni Hanafism originating from Saudi Arabia. One of the most notorious factions of Deobandi teaching was led by Sami ul-Haq. In his *madrassa*, the Darul Uloom Haqqania, he educated many of the later Afghan Taliban ministers, governors, judges and administrators<sup>(1022)</sup>. As a result, Sami ul-Haq has been named by some as the 'father of the Taliban'. The Haqqani network even derives its name from the Haqqania *madrassa*. Seminary officials and teachers vehemently deny that they are preaching violence. But Darul Uloom Haqqania's embrace of fundamentalist Islam and anti-Western polemic encourages students to oppose the West and fight the enemies of Islam<sup>(1023)</sup>.

However, the development of numerous extremist interpretations of Deobandi teaching does not imply that this school of thought, or Deobandis per se, are in general more radical or more militant than others as is often assumed<sup>(1024)</sup>. The Deobandi School has never been as extreme as, for example, the Taliban whose radicalism the traditional Deobandi would never condone. This new kind of extremism '*clearly debased the Deobandi tradition of learning and reform*', according to the researcher Kraml<sup>(1025)</sup>.

### **Barelvis**

The Barelvi line of Sunni Islam, or Ahl-e Sunnat wa Jama'at, is the sub-denomination that the great majority of Sunni Muslims in Pakistan follow and is especially strong in the countryside where the majority of the population resides<sup>(1026)</sup>. Particularly among the non-Pashtun population it is the main religious sect<sup>(1027)</sup>. The umbrella organisation of the Barelvis, the Tanzim ul Madaris Ahl-e-Sunnah, has more than 6 000 registered *madrassas* and there are thousands of Barelvi organisations across the country, with many restricted to just one neighbourhood. Even though the numerous Barelvi groups are highly diverse, the national body, the Sunni Ittehad Council, takes a leading role<sup>(1028)</sup>.

<sup>(1015)</sup> Result.pk, *BISE Wafaqul Madaris Al Arabia Results 2015*, n.d.

<sup>(1016)</sup> New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012.

<sup>(1017)</sup> Ahmed, Rashid, *Taliban: Afghanistans Gotteskämpfer und der neue Krieg am Hindukusch*, 2010.

<sup>(1018)</sup> Human Rights Watch, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1019)</sup> New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012.

<sup>(1020)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1021)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013; Express Tribune (The), *The Widening Split*, 26 April 2010.

<sup>(1022)</sup> Kraml, Roland, *Changes in Pashtun tribal structure since 1978: the influence of war, foreign militaries and militant political Islam*, 2012.

<sup>(1023)</sup> New Age Islam, *Darul Uloom Deoband: The Indian Ideological Source of the Taliban*, 12 November 2012; Fox News, *At Pakistan's 'Taliban U,' jihadists major in anti-Americanism*, 8 February 2014.

<sup>(1024)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1025)</sup> Kraml, Roland, *Changes in Pashtun tribal structure since 1978: the influence of war, foreign militaries and militant political Islam*, 2012.

<sup>(1026)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Express Tribune (The), *The Widening Split*, 26 April 2010; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1027)</sup> UNHCR, *Presentation DACH Workshop Pakistan*, 1-2 October 2012.

<sup>(1028)</sup> Express Tribune (The), *The Widening Split*, 26 April 2010.

The Barelvi faith emerged as a reaction to the Deobandi school of thought. It is founded on the teachings of Ahmed Riza Khan (1856-1921) in whose hometown, Bareilly (India), the first Barelvi *madrassa* was established in 1904<sup>(1029)</sup>. Unlike Deobandis, Barelvi are inclined towards the mystical dimension of Islam or Sufism – a mystical interpretation of Islam that involves a devotion to saints and shrines<sup>(1030)</sup>, and practice custom-based Islam<sup>(1031)</sup>. Besides the general Islamic rituals such as praying and fasting, their practice also includes pilgrimages to Sufi shrines, sometimes made in the hope of experiencing miracles. Some Barelvis become the disciples (*murids*) of holy men (*murshids*) and pay respect to saints – dead and living – known locally as *pir sahibs* or Sufi sheikhs<sup>(1032)</sup>. As Sufism is widespread in Pakistan, Barelvi Sunnis and Shias both worship Sufi saints and shrines<sup>(1033)</sup>. The birthday of the Holy Prophet is celebrated passionately<sup>(1034)</sup>. Theologically, the divide between Deobandi and Barelvi derives mainly from the Barelvi's attribution of special abilities to the person of Mohammed that could be seen as supernatural, while Deobandi refute this and say it is *sirk* (polytheism)<sup>(1035)</sup>.

Deobandis and Barelvis both believe in *taqlid* (imitation) which refers to the 'unquestioning acceptance of established schools and authorities'. Given this background of *taqlid*, Deobandis and Barelvis are considered as *muqallids* (the followers). As followers of the Sunni Hanafi school of thought they believe that an uneducated or a less knowledgeable Muslim should not attempt to understand the meanings of the Divine Text himself, but follow the religious scholars. Nevertheless, their ideological differences in regard to Prophet Mohammad and folk Islam are intense, so both have separate seminaries for the promotion of their *maslak* (school of thought)<sup>(1036)</sup>.

From the characteristics of Barelvi practice and belief there is, however, some convergence between Barelvis and Shias. In the countryside some Barelvi will even take part in Shia festivals. As a result, Sunni *Ulema* fear that such a porous identity boundary may increase the risk of Sunnis converting to Shi'ism, especially in areas where the land owners are Shias<sup>(1037)</sup>.

Because of their custom-laden practices, Deobandi and Ahl-e-Hadith (see section below) reject the Barelvi concept and the extremists of these two groups even attack them. In several cases Barelvi Muslims have been attacked by Deobandi extremists<sup>(1038)</sup>. As they consider their practices as deviating from Islam (heresy), extremist Deobandi groups carry out attacks against religious conventions and festivities of adherents of Sufism, including Barelvi, among others, in Darra Adam Khel, Lahore, Pakpattan (Punjab), Peshawar und Nowshera (KPK) and Karachi (Sindh)<sup>(1039)</sup>.

### *Barelvi extremism*

It should be noted that, although the Barelvi movement, in the Sufi tradition, is usually seen as moderate, more open-minded and non-violent, some extremism and extremist groups also developed within this sub-sect of Sunnism. The Barelvi Sufi group has been one of the main actors in the fight against Deobandi jihadism<sup>(1040)</sup>.

This gained public attention with the assassination of the influential and powerful Punjab governor Salman Taseer on 4 January 2011. The killer said his motive was that Taseer had insulted the Prophet by describing Pakistan's blasphemy law as 'black law'. The most unusual aspect, according to The Jamestown Foundation, was that he belonged to the Dawat-e-Islami. This Barelvi Sufi movement rejects violence and has been at the forefront of the struggle against jihadi groups of the Deobandi and Ahl-e-Hadith. The founder, Pir Ilyas Qadri, propagated resistance and defence against Deobandi extremism, but only in a peaceful manner. His reluctance to adopt violence as a form of protection against Deobandi violence led to a small breakaway faction led by Saleem Qadri. The latter founded the Sunni Tehrik

<sup>(1029)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1030)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1031)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1032)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; BAMF, *Lage der Religionsgemeinschaften in ausgewählten islamischen Ländern*, August 2011; UNHCR, *Presentation DACH Workshop Pakistan*, 1-2 October 2012; Express Tribune (The), *The Widening Split*, 26 April 2010; Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1033)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1034)</sup> Express Tribune (The), *The Widening Split*, 26 April 2010.

<sup>(1035)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1036)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1037)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1038)</sup> BAMF, *Lage der Religionsgemeinschaften in ausgewählten islamischen Ländern*, August 2011.

<sup>(1039)</sup> UNHCR, *Presentation DACH Workshop Pakistan*, 1-2 October 2012.

<sup>(1040)</sup> Jamestown Foundation (The), 'Sufi Militants Struggle with Deobandi Jihadists', 24 February 2011.

in 1990 and preached to meet Deobandi violence with more violence. However, Saleem Qadri did not break his religious allegiance to Pir Ilyas Qadri, nor did he want his followers to break their links to the Dawat-e-Islami, so the lines between the groups of followers are strong<sup>(1041)</sup>.

Violence between Deobandi and Barelvi groups developed during the 1970s due to Zia-ul-Haq's sectarian politics of favouring Deobandi in street fights and taking over management of Barelvi mosques. Nevertheless, until the foundation of Sunni Tehrik in 1990, the different Barelvi organisations were seen as relatively non-violent<sup>(1042)</sup>.

The Sunni Tehrik was the first Barelvi group to articulate the demands of the majority Barelvi sect and to use violence to achieve them. Its basic demands were the protection of Ahle Sunnath beliefs, rights, mosques and *awqaf* (religious endowments), such as shrines. Soon after its founding, the Sunni Tehrik started using force to reclaim mosques the Deobandis allegedly had taken from the Barelvi *Ulema*. The rise of the Sunni Tehrik posed a direct challenge to the Deobandi jihadi groups<sup>(1043)</sup>. In the 1990s, Sunni Tehrik engaged in several targeted killings of important Deobandi leadership figures. However, since a bomb attack in 2006 killed most of the Sunni Tehrik leaders, the group is now a marginal force<sup>(1044)</sup>, although it is still involved in target killings of activists of rival Deobandi extremist groups<sup>(1045)</sup>.

Most significantly, Sunni Tehrik played an important role in radicalising parts of the Barelvi youths and, together with the Dawat-e-Islami, in reviving the dormant Barelvi religious party Jamaat Ahle Sunnat ('The Community of People of the Traditions of Muhammad'). The Jamaat Ahle Sunnat adopted the Sunni Tehrik strategy of a forceful defence of Barelvi interests and began to play a major part in the country's Islamist politics<sup>(1046)</sup>.

During the Afghan jihad against the communists Barelvis were never encouraged to take part because the Saudis, one of the main donors, wished that only their preferential denominations, such as the Ahle Hadith and the Deobandis, were engaged. As a result, Barelvis in general are not trained in guerrilla warfare like Deobandi and Ahle Hadith groups who have waged jihad for more than a quarter century. However, the Barelvis can demonstrate their strength and influence through sheer numbers. Jamaat Ahle Sunnat can mobilise large groups to take their demands to the street. Every time the government discussed amending the blasphemy laws, the Jamaat Ahle Sunnat and other Barelvi groups were at the forefront of the protests. In the case of the assassination of Taseer, Barelvi *Ulema* (religious leaders) together with more than 500 leading members of the Jamaat Ahle Sunnat issued a fatwa against leading the governor's funeral prayers or even attending his funeral. Hundreds of lawyers showered the assassin with rose petals on his way to court. In widespread demonstrations support for the assassin has been publicly shown<sup>(1047)</sup>.

As this case is often cited as an example of Islamist radicalisation and intolerance in Pakistan, it should be noted that thousands of supporters of the PPP governor, a combative politician who often expressed his uncompromising views on extremism, also took to the streets across Pakistan in sorrow and his death provoked collective grieving in social media<sup>(1048)</sup>.

### **Ahl-e-Hadith**

Only a small number of Sunnis in Pakistan, about 5 % of the Sunni, follow the Ahl-e-Hadith (people of the prophetic narrations), often described as the Salafi school of Islam<sup>(1049)</sup>. They decline any intermediation between man and God such as the canonical law or saints. Members of Ahl-e-Hadith are strident critics of *taqlid* and lay the foundations for religious norms and practices not on schools of law but directly on the Qur'an, the *Sunnah* and *hadith*. Since they do not follow any of the four schools of Islamic jurisprudence, they are called non-followers<sup>(1050)</sup>.

<sup>(1041)</sup> Jamestown Foundation (The), 'Sufi Militants Struggle with Deobandi Jihadists', 24 February 2011.

<sup>(1042)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1043)</sup> Jamestown Foundation (The), 'Sufi Militants Struggle with Deobandi Jihadists', 24 February 2011.

<sup>(1044)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1045)</sup> PIPS, *Pakistan Security Report 2012*, 4 January 2013.

<sup>(1046)</sup> Jamestown Foundation (The), 'Sufi Militants Struggle with Deobandi Jihadists', 24 February 2011.

<sup>(1047)</sup> Jamestown Foundation (The), 'Sufi Militants Struggle with Deobandi Jihadists', 24 February 2011.

<sup>(1048)</sup> The Guardian, *Salmaan Taseer murder* throws Pakistan into fresh crisis, 4 January 2011.

<sup>(1049)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1050)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

## Shia Islam

Sunnis and Shias (comprising respectively 75 % and 20 % of the Pakistani population <sup>(1051)</sup> mainly differ regarding the rightful succession of the Prophet. For the Sunnis the father of the Prophet's wife Aisha, Abu Bakr, was the righteous successor <sup>(1052)</sup>. Shias consider Ali Ibn Talib as the rightful successor of the Prophet <sup>(1053)</sup>, a prophet's cousin and son-in-law <sup>(1054)</sup>. Shias also refute the chain of succession of the four caliphs. On the 10<sup>th</sup> of Moharram (the first month of Islamic calendar) they mourn the battle of Karbala, where Hussain, the grandson of Prophet Mohammad fell on 10 October 680. It is commemorated by Sunnis as well as by Shias; however, the latter hold specific mourning ceremonies <sup>(1055)</sup>. The two branches practice different traditions and customs which correlate with the jurisprudence they follow <sup>(1056)</sup>.

The Shia in Pakistan also divide themselves into different sub-denominations. The majority of Pakistani Shia adheres to the Twelver (*athna ashariya*) school of thought, but there are significant other sub-sects such as Nizari Ismailis, the second-largest branch of Shia Islam in Pakistan, the Daudi Bohras and Sulemani Bohras <sup>(1057)</sup>.

The Shia population is spread across Pakistan without however constituting a majority in any province. They do form the majority of the population, however, in the semi-autonomous region of Gilgit–Baltistan. Significant numbers of Shias can be found in Peshawar, Kohat, Hangu and Dera Ismail Khan in Khyber Pakhtunkhwa; Kurram and Orakzai Agencies in the FATA; in and around Quetta and the Makran coastline in Balochistan; in areas of southern and central Punjab and throughout Sindh. Many cities in Pakistan, such as Karachi, Lahore, Rawalpindi, Islamabad, Multan, Jhang and Sargodha, are home to large Shia communities. The Shia faith in Pakistan is not confined to specific ethnic, linguistic and tribal groups. However, there are some ethnic or tribal communities, which are predominantly Shia, such as the ethnic group of the Hazara, but also tribes (Turis, Bohris, Baltis) and some clans within the Bangash Pashtun tribes. Pakistani Shias, with the exception of Hazaras, are not physically or linguistically distinguishable from Sunni Pakistanis. However, Shias can sometimes be identified through common Shia names. Across the country, Sunni and Shia communities are generally well-integrated, live in mixed villages <sup>(1058)</sup> and also intermarry <sup>(1059)</sup>.

Despite Pakistan having a majority Sunni population, Shias have always held prominent and powerful positions and influenced the structure and development of the Pakistani state. Sir Aga Khan III (the spiritual leader of the Ismailis) was the first President of the All India Muslim League, which led the movement for the creation of Pakistan. Pakistan's founder, Mohammad Ali Jinnah, belonged also to the Shia community <sup>(1060)</sup>, as well as the politically well-known Bhutto clan <sup>(1061)</sup>. The Shia Bhutto clan has always dominated the PPP, which led the previous government coalition, and many Shias tend to support the PPP <sup>(1062)</sup>. Shias may find employment in government and hold high offices, such as former President Asif Ali Zardari. They are represented on Pakistan's Council of Islamic Ideology, the Constitutional body, which provides advice to the Government on issues of Islamic jurisprudence and practice.

According to the consulted sources, there are no laws or government policies that discriminate against Shias in Pakistan. Neither are there any legal restrictions on freedom of religion for Shias. There is little societal discrimination that would restrict Shias in their daily life <sup>(1063)</sup>.

Occasionally violent clashes between Sunni and Shia communities arise. Attacks against the Shia community by sectarian Sunni extremist groups, some with a clear anti-Shia stance, have caused numerous casualties <sup>(1064)</sup>. Anti-Shia groups have held hate campaigns against Shias, branding them as infidels and even calling for their murder <sup>(1065)</sup>.

<sup>(1051)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1052)</sup> Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1053)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1054)</sup> Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187; *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1055)</sup> Abid, Saadia, *Religion as Faith? Education Purdah and Modernity, An Ethnographic Study of Islamabad's Madrassah Jamia Hafsa*, 2010.

<sup>(1056)</sup> Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187.

<sup>(1057)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1058)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1059)</sup> Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187.

<sup>(1060)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1061)</sup> Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187.

<sup>(1062)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1063)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013; UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(1064)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Religious Freedom*, 14 July 2014.

<sup>(1065)</sup> HRCF, *State of Human Rights in 2013*, March 2014.

## Hazara

The Hazara are an ethnic group of Eurasian origin which makes them visibly distinct from many other Pakistanis, and are overwhelmingly Shia Muslims. Historically, Hazara migrated to Pakistan from central Afghanistan. Some Hazara families' origins in Quetta can be traced back to the late 19<sup>th</sup> century, though the majority of the community immigrated in two waves – the first during the Soviet occupation of Afghanistan from 1979 onwards, and the second in 1996, when the Taliban regime in Afghanistan began to target the Hazara. Existing local networks enabled the Afghan Hazara to avoid staying in refugee camps and to integrate better into Pakistani society.

Those living in rural areas speak Hazaragi, an eastern dialect of the Persian (Farsi) language, while many Hazara in urban areas of Pakistan also speak other languages including standard Persian, Urdu and English. The Hazara population of Pakistan is estimated at up to 750 000. The majority, up to 500 000, live in and around Quetta, the capital of Balochistan.

Within Quetta, Hazara live predominantly within their own two communities—Hazara Town (also known as Brewery Road) and along Alamdar Road towards Mehrabad. These tend to be lower and middle-income areas on the outskirts of Quetta. Within these areas, Hazara have access to medical and educational facilities, generally provided from within their own communities. Hazara in Pakistan are relatively well-educated. The Australian Department of Foreign Affairs and Trade considers Pakistan's Hazara community not to be subject to official discrimination and there is little discrimination at community or societal level. Hazara in Quetta are integrated in the local community and work alongside members of other ethnic groups. Many are employed in the civil service of Balochistan, in the Balochistan police force, or with private businesses <sup>(1066)</sup>.

However, since they are the only community that are visibly distinguishable and almost exclusively Shia, they have borne the brunt of sectarian terrorist attacks in Pakistan in recent years with a big rise in such attacks in 2013. Sunni extremists killed more than 400 Shiite Hazara since the beginning of 2013 <sup>(1067)</sup>.

### The Shia-Sunni violence – background

Despite the generally peaceful coexistence, violence between these two Muslim sects is a challenge for Pakistan. As their ideology opposes contents of the Shia belief system, extremist Deobandi organisations are leading the anti-Shia sectarianism to such extent that political scientists such as Miriam Zahab concluded that the so-called Shia-Sunni conflict in Pakistan should be referred more precisely as the Shia-Deobandi conflict <sup>(1068)</sup>. Violence between Barelvi Sunnis and Shias is rare <sup>(1069)</sup>. Barelvis are usually more tolerant towards Shias <sup>(1070)</sup> and the two sects stand closer since their rites are similar. Ahl-e-Hadith groups, however, occasionally support Deobandi groups in their anti-Shia violence <sup>(1071)</sup>.

The rise in violence between Sunni and Shia Muslims in Pakistan began in the early 1980s. Prior to this, violence between Shias and Sunnis was rare <sup>(1072)</sup> and limited to some clashes during Muharram processions <sup>(1073)</sup>. A combination of domestic and international political factors contributed to the rise, including the Iranian Revolution of 1979, the Islamisation policy by military ruler Muhammad Zia-ul-Haq, the US-backed Afghan resistance to the 1979 Soviet invasion <sup>(1074)</sup>, violent challenges to the state by ethno-separatist movements and uneven economic development <sup>(1075)</sup>.

In the 1970s Pakistan experienced a major shift of the state away from pluralism towards Islamisation, starting with the distinct definition of Muslims in 1974, which excluded Ahmadis. After this first success, Sunni fundamentalists aimed at precluding the much larger Shia community from the definition of Muslims as well. The state took another step away from religious neutrality when, in 1979, the military regime of Zia-ul-Haq imposed Islamic legislation based

<sup>(1066)</sup> DFAT, *Country Information Report Pakistan*, 29 November 2013.

<sup>(1067)</sup> UNHRC, *Written Statement*, 23 February 2015.

<sup>(1068)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1069)</sup> DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1070)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1071)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1072)</sup> HRW, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1073)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1074)</sup> HRW, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014; Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1075)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

on the Hanafi Sunni interpretation regarding taxation and charity endowments on the entire Muslim population. This state legislation enraged the Shia minority (<sup>1076</sup>). Zia-ul-Haq wanted to enforce not only Sunni Islam, but specifically the Deobandi School (<sup>1077</sup>). The Shia community viewed Zia-ul-Haq's Islamisation as a bid to create a Sunni state (<sup>1078</sup>).

At the same time, the success of the Iranian Revolution strengthened the confidence of the Shia minority (<sup>1079</sup>). In 1979 Pakistani Shia founded the Tehrik-e-Nifaz-e-Fiqh-e-Jafaria (TNFJ) with the declared objective of defending the community (<sup>1080</sup>). Shias successfully organised themselves and confronted the military government in massive Shia demonstrations. As a result, the regime granted Shias exemption from the Sunni laws (<sup>1081</sup>). This, in turn, caused Sunni fundamentalists to worry about the strength of Shia, as it indicated that the state awarded them a status quite equal to that of the Hanafi law of the Sunni majority. For extremist Deobandis this nourished the fear that the Pakistani nation-state's Islamic identity was not synonymous with Sunni Islam, and also harmed their intentions of having Shias declared non-Muslims (<sup>1082</sup>).

Zia-ul-Haq's Islamisation programme and the active resistance by the Shia community therefore played a significant role in radicalising Sunnis and Shias. The revolutionary government in Iran supported the Pakistani Shia in their effort to counter Zia-ul-Haq's Deobandi-Sunni-Islamisation which itself was directly backed by Arab countries such as Saudi Arabia. To contain the perceived challenges to a Sunni dominance in Pakistan, Sunni Deobandi organisations such as the Jamiat-e-Ulema-e-Islam (JUI) supported the establishment of the militant Sipah-i-Sahaba Pakistan (SSP) in 1985 (<sup>1083</sup>). At the same time, with General Zia-ul-Haq's regime's support, the Deobandi groups received a boost as they supported the jihad against Soviet forces in Afghanistan by providing the foot soldiers (<sup>1084</sup>). At the Shia side, Tehrik Nifazi-Fiqhi Jafaria had also become a militant organisation by 1985 (<sup>1085</sup>).

In 1988, after Zia-ul-Haq's death, civilian rule and democratic governance returned to Pakistan. Nevertheless, Shia-Sunni militancy increased significantly with targeted killings of government and military officials by Shia and Sunni militants, as well as citizens on the basis of sectarian identity. The return to democratic rule led the SSP and TNFJ to enter mainstream politics by forging alliances with the Nawaz Sharif-led Pakistan Muslim League (PML) and Benazir Bhutto's Pakistan People's Party (PPP) and taking part in elections. This process created splinter groups that wanted to keep the focus on violence (<sup>1086</sup>).

Alliances tend to be more situational than based on an ideology. For example, despite the Shia affiliation and Shia vote-bank of the Bhutto clan, the SSP supported the PPP minority administration in the Punjab during the second reign of Benazir Bhutto in 1993-1996. As a result, many in the Shia community shifted their political allegiance to the PML (Pakistan Muslim League) of Nawaz Sharif, once protégé of the Deobandi General Zia ul Haq (<sup>1087</sup>).

As Saleem Khan said:

*As Pakistan is still evolving from feudalism to capitalism, it is experiencing problems of an identity crisis as its traditional power structures are coming under considerable strain. The landlords are losing some of their political clout but the industrialists and bureaucrats have not entirely replaced them and these categories are being increasingly blurred. All these alliances and realignments leave the religious elites as brokers in a complicated patron-client set-up (<sup>1088</sup>).*

In his second reign as Prime Minister Nawaz Sharif passed the Anti-Terrorism Act of 1997 to curb sectarianism (<sup>1089</sup>). Shortly after he took office, the first serious clampdown against militant Islamist groups, such as the SSP, was carried

<sup>(1076)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1077)</sup> Express Tribune (The), *The Widening Split*, 26 April 2010; Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1078)</sup> HRW, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1079)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1080)</sup> Human Rights Watch, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1081)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Gayer, Laurent, *Mondes rebelles, Asie du Sud*, 2009, p. 187; DFAT, *Thematic Report, Shias in Pakistan*, 18 December 2013.

<sup>(1082)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1083)</sup> HRW, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1084)</sup> The Express Tribune, *The Widening Split*, 26 April 2010; HRW, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1085)</sup> Human Rights Watch, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1086)</sup> Human Rights Watch, *'We are the Walking Dead': Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014.

<sup>(1087)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008; Stanford University, *Mapping Militant Organizations, Sipah-e-Sahaba Pakistan*, 15 February 2012.

<sup>(1088)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1089)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

out including a wave of arrests of leading figure<sup>(1090)</sup>. Iran ceded its support of militant Shia groups in the middle of the 1990s, since it assessed it as counterproductive<sup>(1091)</sup>. The post 9/11 period saw General Musharraf taking a change in Pakistan's policy towards militants and with it a repression of some sectarian groups such as the SSP and a promotion of 'moderate' groups began<sup>(1092)</sup>. Numerous sectarian groups such as Sipah-e-Sahaba Pakistan, Lashkar-e-Jhangvi and Sipah-e-Muhammed were forbidden in 2001 and 2002<sup>(1093)</sup>. The seriousness of the repressive actions was questioned. For example, the then-leader of the SSP Azam Tariq was allowed to contest the October 2002 parliamentary elections although he was in jail and his organisation banned. Following his victory, Tariq was freed and allowed to take his seat in parliament, allegedly on the condition that he support the pro-Musharraf alliance. This said, it should be noted that Tariq was killed a year later<sup>(1094)</sup>. In addition, three members of the SSP sentenced to the death penalty were hanged in January 2015<sup>(1095)</sup>.

## 3.5 Situation of sexual and gender minorities

Most consulted sources use the terms LGBT<sup>(1096)</sup> and LGBTI<sup>(1097)</sup>, although very few specifically refer to bisexual, transsexual and intersex persons. In this chapter, sexual and gender minorities are referenced by the terms used by the sources themselves.

### 3.5.1 Introduction

A wide variety of terms exist in Pakistan that define men who have sexual relations with other men (MSM) without them self-identifying, or being identified by others, as homosexuals<sup>(1098)</sup>. *Zenana*, 'ladylike men' or 'woman in a man's body'<sup>(1099)</sup>, have sexual relations with *giryā* (men who take on the penetrating role in MSM) and *malishia*, who are considered virile men because of their sexual practices<sup>(1100)</sup>. The term *malishia* refers more to a professional practice of massage and prostitution than to a sexual practice or identity<sup>(1101)</sup>.

There are few Pakistani men and women who self-identify as LGBT; those who do, usually belong to the middle or higher classes, live in the big cities<sup>(1102)</sup> and live a double or secret life<sup>(1103)</sup>. Lesbians are even less visible than gay men<sup>(1104)</sup>.

Most Pakistanis do not know the meaning of the word 'gay' and think it refers to transgender persons<sup>(1105)</sup>. The latter belong to the community of *hijras*, a heterogeneous community of transvestite, hermaphrodite, transsexual, homosexual persons and eunuchs (*khawaja sara*)<sup>(1106)</sup>. Due to rejection by their families, *hijras* often live within

<sup>(1090)</sup> Khan, Saleem, *Religious Nationalism and Sectarianism in Pakistan*, 4 June 2008.

<sup>(1091)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1092)</sup> Express Tribune (The), *The Widening Split*, 26 April 2010.

<sup>(1093)</sup> Südasien Info, Gugler, Thomas, *Populärislamismus in Pakistan*, 17 January 2010.

<sup>(1094)</sup> Stanford University, *Mapping Militant Organizations, Sipah-e-Sahaba Pakistan*, 15 February 2012.

<sup>(1095)</sup> SATP, *Incidents and Statements involving Sipah-e-Sahaba Pakistan: 2015*, 2015.

<sup>(1096)</sup> Lesbian, Gay, Bisexual, Transsexual.

<sup>(1097)</sup> Lesbian, Gay, Bisexual, Transsexual, Intersex.

<sup>(1098)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

<sup>(1099)</sup> Naz Foundation International, *Report for The World Bank, Pakistan, Enhanced hiv/aids program: social assessment and mapping of men who have sex with men (msm) in Lahore*, 21 April 2002, pp. 4-5.

<sup>(1100)</sup> Naz Foundation International, *Report for The World Bank, Pakistan, Enhanced hiv/aids program: social assessment and mapping of men who have sex with men (msm) in Lahore*, 21 April 2002, p. 3.

<sup>(1101)</sup> Naz Foundation International, *Report for The World Bank, Pakistan, Enhanced hiv/aids program: social assessment and mapping of men who have sex with men (msm) in Lahore*, 21 April 2002, p. 36; BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013.

<sup>(1102)</sup> New York Times (The), *Gay Pakistanis, Still in Shadows, Seek Acceptance*, 3 November 2012.

<sup>(1103)</sup> IGLHRC, *Human Rights and Transgender People in Pakistan*, February 2008, p. 1.

<sup>(1104)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

<sup>(1105)</sup> Pink News, *'This closet is suffocating', the life story of a young gay Muslim in Pakistan*, 31 July 2013.

<sup>(1106)</sup> RFE/RL, *Despite Gains, Pakistan's Transgender Community Under Attack*, 26 October 2013; Libération, *Pakistan: la revanche du troisième genre*, 5 March 2012; Guardian (The), *Pakistan's hijras deserve acceptance*, 26 May 2010.

a structured community governed by a guru and settled in the shanty towns. The *hijras* make a living through artistic performances and singing and dancing during marriages and carnivals. Some of them consider themselves professional marriage dancers but they are often obliged to survive through begging and prostitution<sup>(1107)</sup>.

### 3.5.2 Judicial framework

#### Legislation

The International Lesbian, Gay, Bisexual, Trans- and Intersex Association (ILGA) classifies Pakistan as a country where homosexuality is illegal<sup>(1108)</sup>, due to provision 377 of the Pakistani Penal Code (PPC), titled ‘Unnatural offences’:

*Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.*

*Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.*

ILGA adds that Pakistan is one of four countries for which it has no reliable information on the application of Sharia law on cases of homosexual persons, meaning whether the death penalty is carried out or not<sup>(1109)</sup>.

Diverging opinions exist on the applicability of provision 377 of the (PPC) for lesbian persons. The NGO Neengar Society, which promotes the rights of sexual and religious minorities, and the national consultant of the International Gay and Lesbian Human Rights Commission (IGLHRC), in their communications with IRBC, consider provision 377 inapplicable to lesbian couples, based on the wording ‘carnal intercourse’ which would apply to men only<sup>(1110)</sup>. Other sources, such as the 2014 US DOS report, say that all same-sex relations are illegal<sup>(1111)</sup>.

According to the president of Neengar Society, provision 294 PCC, titled ‘obscene acts and songs’, punishes such behaviour with a maximum prison sentence of three months, a fine, or both, and can be used against transgender persons or male prostitutes<sup>(1112)</sup>. There is no law prohibiting discrimination based on sexual or gender orientation<sup>(1113)</sup>.

#### Implementation of provision 377 PCC

The consulted sources<sup>(1114)</sup> agree that provision 377 PCC is rarely used in judicial procedures against LGBT persons. Yet, according to the IGLHRC, this provision is seen as an ideological and physical threat to LGBT persons because the police use it to put pressure on LGBT persons working in prostitution or begging<sup>(1115)</sup>. Freedom House believes this provision discourages LGBT persons from revealing their sexual orientation and reporting violence against them<sup>(1116)</sup>. The president of Neengar Society stated that not one LGBT person who faced violence or was threatened with death by his or her family would make a complaint, for fear of being arrested based on sexual orientation<sup>(1117)</sup>.

<sup>(1107)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015; RFE/RL, *Despite Gains, Pakistan’s Transgender Community Under Attack*, 26 October 2013; Guardian (The), *Pakistan’s hijras deserve acceptance*, 26 May 2010; Monde (Le), *Etre transsexuel au Pakistan*, 23 April 2010; Guardian (The), *Harassed, intimidated, abused: but now Pakistan’s hijra transgender minority finds its voice*, 29 January 2010.

<sup>(1108)</sup> ILGA, *State-sponsored Homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults*, May 2014, p. 18.

<sup>(1109)</sup> ILGA, *State-sponsored Homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults*, May 2014, pp. 9, 18.

<sup>(1110)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1111)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015; BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013; Independent (The), *Pakistani women Rehana Kausar and Sobia Kamar marry in Britain’s first Muslim lesbian partnership*, 26 May 2013.

<sup>(1112)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1113)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(1114)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 18; BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013; Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 8; Freedom House, *Freedom in the World 2015- Pakistan*, n.d.

<sup>(1115)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 18.

<sup>(1116)</sup> Freedom House, *Freedom in the World 2015- Pakistan*, n.d.

<sup>(1117)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015.

In 2011 Neengar Society reported to IRBC 10 cases of ‘unnatural offense’ (Prov. 377 PCC) in the city of Multan (Punjab) of which two resulted in 10-year prison sentences. No information was provided about the eight other cases <sup>(1118)</sup>. The same organisation reported only two cases for 2012: two young men who were arrested and charged based on provision 377 PCC. They were released on bail and the prosecutions were abandoned due to lack of witnesses <sup>(1119)</sup>.

According to a Pakistani researcher, Qasim Iqbal, who was interviewed by the BBC, in cases of flagrant offences families intervene to suppress the case without filing a complaint and force the concerned persons to marry <sup>(1120)</sup>.

ILGA reported the case of a marriage between a transgender person and a woman against whom the authorities were tempted to use provision 377 PCC but could not prove ‘penetration’ <sup>(1121)</sup>.

### 3.5.3 Social situation

#### Society’s attitude towards LGBT

##### *The risk of facing violence when revealing one’s sexual orientation*

In the large cities of Lahore, Karachi and Islamabad, where many LGBT persons prefer to live, they might be accepted by their relatives and live as a couple <sup>(1122)</sup>. In these cities, two unmarried people of the same sex can live together but are exposed to violence <sup>(1123)</sup> or blackmail <sup>(1124)</sup> if the nature of their relation is known <sup>(1125)</sup>. The president of Neengar Society pointed out in his communication with IRBC that these cities are certainly more liberal and accepting but that ‘no one can openly claim to be gay or lesbian in Pakistan as it can still cost them their life to announce their sexuality in public’. In September 2012, in Karachi, for example, a gay man was attacked with acid and shot dead <sup>(1126)</sup>. As a result, LGBT persons also conceal their sexual orientation at work in order to keep their job and avoid discrimination <sup>(1127)</sup>.

The president of Neengar Society, the national consultant of the International Gay and Lesbian Human Rights Commission (IGLHRC), and a representative of the Women’s Employees Welfare Association (WEWA) in their communications with IRBC highlighted the vulnerability of lesbians in Pakistan and their difficulties in accessing higher education, housing and employment. Lesbians are more vulnerable than gay men and run an even higher risk of losing their job and housing and are under threat of violence if their sexual orientation is known <sup>(1128)</sup>. Moreover, women living alone are viewed as ‘suspicious’ <sup>(1129)</sup>.

A lawyer specialising in human rights interviewed by Landinfo explained that although sex between men may to some extent be tolerated, there is a taboo attached to everything related to same-sex relations <sup>(1130)</sup>. Effectively, homosexuality is seen as a threat to marriage and family relations <sup>(1131)</sup>.

<sup>(1118)</sup> IRBC, *Pakistan: information sur le traitement réservé aux minorités sexuelles par la société, le gouvernement et les autorités religieuses; la protection et les recours offerts (2009-2011)*, 30 November 2011.

<sup>(1119)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1120)</sup> BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013.

<sup>(1121)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 18.

<sup>(1122)</sup> Pellenec Morgane, *Bienvenue au Pakistan, ‘pays des purs’*, 18 November 2013; Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 14; IPS, *Pakistani Gays Stifled in Closet Living*, 27 September 2013; Nouvel Observateur (Le), *Pour Qasim, il est plus simple d’être gay au Pakistan qu’aux États-Unis*, 8 May 2013.

<sup>(1123)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015; Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 14.

<sup>(1124)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015.

<sup>(1125)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 12.

<sup>(1126)</sup> News International (The), *Man killed over sexual orientation*, 29 September 2012.

<sup>(1127)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 14.

<sup>(1128)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015.

<sup>(1129)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015.

<sup>(1130)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 13.

<sup>(1131)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 13; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014; IPS, *Pakistani Gays Stifled in Closet Living*, 27 September 2013.

### **Pressure and violence by the family**

LGBT persons are put under pressure from their families to conform to the Pakistani social norms represented by marriage<sup>(1132)</sup>. They face situations ranging from the obligation to undergo medical treatment to losing their rights in the family, physical violence or even expulsion from the family if they refuse to marry<sup>(1133)</sup>. In a survey conducted by IGLHRC among lesbians, bisexual women and transgender persons (LBT) this analysis is confirmed by reference to a case of a young woman disinherited and expelled by her family for this reason<sup>(1134)</sup>.

Lesbian or bisexual women who were forced to marry told ILGA and the Pakistani NGO named *O.*<sup>(1135)</sup>, that they were physically and sexually assaulted by their husbands<sup>(1136)</sup>. Both organisations say that lesbians are victims of sexual insults in public, humiliation, and psychological abuse by their families and may face sexual and physical violence, often in extreme form<sup>(1137)</sup>. Other sources confirm this and report marital rape as well<sup>(1138)</sup>.

Physical and psychological violence by members of the nuclear or larger extended family against LGBT can lead to death<sup>(1139)</sup>. In general, family conflicts and the violence generated by them are settled within the family without appeal to the police or without the victim filing an official complaint<sup>(1140)</sup>. By exploiting the corruption of police officers or not filing a complaint, Pakistani families avoid the ‘dishonour’ that would accompany an arrest of a family member for an offence based on sexual orientation<sup>(1141)</sup>.

### **Society’s attitude towards Hijras**

#### **Recognition of the status of the third gender**

In July 2009, the Supreme Court of Pakistan officially recognised the status of the ‘third gender’ for *hijras*, mentioning it on identity cards<sup>(1142)</sup>. This recognition entitles them to inherit, get a job and vote<sup>(1143)</sup>. The Pakistani government also facilitated their integration by recruiting them as tax collectors. They visit tax defaulters who are pressured to pay their debts because of the embarrassment of the *hijras’* presence as they dance in front of their homes<sup>(1144)</sup>.

However, obtaining an ID card is not easy for *hijras* because they need to present family documents and they often no longer have links with their families<sup>(1145)</sup>.

In November 2011, the Supreme Court ordered the Election Commission to make a census of *hijras* and register them on voter lists<sup>(1146)</sup>. Two years later, some *hijras* presented themselves as candidates for the parliamentary elections: Sanam Fakir in the city of Sukur and Bindiya Rani in Karachi<sup>(1147)</sup>.

<sup>(1132)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1133)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 14; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1134)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 12.

<sup>(1135)</sup> For more information on this NGO, see section on **LGBT Associations**.

<sup>(1136)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 12.

<sup>(1137)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, pp. 9, 14.

<sup>(1138)</sup> BBC, *Gay Pakistan: Lesbians’ Lives on the Line*, 18 August 2014; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014; Pellenec Morgane, *Bienvenue au Pakistan, ‘pays des purs’*, 18 November 2013; Nosheen Habiba, *Pakistan’s lesbians live in silence, love in secret*, 17 January 2011.

<sup>(1139)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 11; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1140)</sup> BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1141)</sup> BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013; IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015; Al Arabiya News, *Pakistan’s Homosexual Scene: Is the Debate Being Silenced?*, 24 August 2014.

<sup>(1142)</sup> BBC, *Pakistan transgenders pin hopes on new rights*, 25 April 2011; Guardian (The), *Pakistan’s hijras deserve acceptance*, 26 May 2010; Monde (Le), *Etre transsexuel au Pakistan*, 23 April 2010; Pink News, *New rights for trans people in Pakistan*, 30 December 2009; BBC, *Pakistani eunuchs have distinct gender*, 23 December 2009.

<sup>(1143)</sup> Guardian (The), *Pakistan’s hijras deserve acceptance*, 26 May 2010.

<sup>(1144)</sup> BBC, *Pakistan transgenders pin hopes on new rights*, 25 April 2011; Monde (Le), *Etre transsexuel au Pakistan*, 23 April 2010.

<sup>(1145)</sup> Gay Star News, *Transgender Pakistani stands for election*, 30 December 2011.

<sup>(1146)</sup> Libération, *Pakistan: la revanche du troisième genre*, 5 March 2012 ; RFE/RL, *Supreme Court ruling gives Pakistan’s beleaguered transgender community new hope*, 20 November 2011.

<sup>(1147)</sup> Pink News, *Pakistan: First trans woman in general election says the community is ‘more than dancers and beggars’*, 26 February 2013; Tribune (The), *Kudos, Bindiya Rani*, 31 March 2013; Tribune (The), *Transgender candidates stake claim in Pakistan vote*, 18 April 2013.

## Discrimination and violence

In general, *hijras* are still rejected by Pakistani society: they are denied access to schools, hospitals, housing and their families do not recognise them as inheritors <sup>(1148)</sup>. Transgender persons are often victims of physical and psychological violence <sup>(1149)</sup>.

The acquisition of an ID card and the measures taken to combat discrimination has to some extent reduced police violence against *hijras* and made it possible for them to file a complaint <sup>(1150)</sup>. However, *hijras* are still often subject to economic and sexual harassment by police and are targeted by gangs who sexually assault them <sup>(1151)</sup>. A transgender woman was killed in Multan in 2012 <sup>(1152)</sup>. Living in a community does not guarantee their security <sup>(1153)</sup>, as illustrated by the police raids on the Imamia Colony in Peshawar in October 2013, and in the city of Banu in October 2014 <sup>(1154)</sup>.

## LGBT Meeting places

According to the president of Neengar Society, and the national representative of the IGLHRC, there are LGBT groups who use social media to organise meetings in Lahore, Karachi and Islamabad, though this is exclusively among LGBT people from the middle and upper class and the intellectual elite <sup>(1155)</sup>.

LGBT persons meet via online applications such as Grindr and Scruff and websites such as Gaydar and Manjam <sup>(1156)</sup>. The latter website for gay dating blocked access to non-members in April 2014 after the murders of three homosexuals who were contacted by their killer on the website <sup>(1157)</sup>.

According to the consulted sources, bus terminals and crossroads outside large urban centres, train stations <sup>(1158)</sup> and mausoleums <sup>(1159)</sup> are where gays meet. However, persons frequenting these places have to be discreet <sup>(1160)</sup> and locations change regularly <sup>(1161)</sup>. According to the national representative of the IGLHRC, transsexuals or homosexuals are frequently beaten or gang raped after following a person to such a location. He referred to three people who were killed in such circumstances during the summer of 2014 <sup>(1162)</sup>.

In Karachi, the identified meeting places are the mausoleum of Abdullah Shah Ghazi <sup>(1163)</sup> and gardens around the building of Frere Hall opposite the Marriott Hotel <sup>(1164)</sup>. The Spartacus travel guide refers to the corner of Nazamudin street and the quarter F-6 in Islamabad, and the section of Mall Street facing the house of the governor in Lahore <sup>(1165)</sup>.

<sup>(1148)</sup> RFE/RL, *Despite Gains, Pakistan's Transgender Community Under Attack*, 26 October 2013; US DOS, *Country Reports on Human Rights Practices for 2014*, Pakistan, 25 June 2015; Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 16.

<sup>(1149)</sup> IGLHRC, *Where I Can actually be me*, 1 March 2012, p. 11; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014;

<sup>(1150)</sup> Libération, *Pakistan: la revanche du troisième genre*, 5 March 2012; Washington Post (the), *For transgender Pakistanis, newfound rights*, 10 February 2012.

<sup>(1151)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 9.

<sup>(1152)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

<sup>(1153)</sup> RFE/RL, *Despite Gains, Pakistan's Transgender Community Under Attack*, 26 October 2013; Monde (Le), *Etre transsexuel au Pakistan*, 23 April 2010.

<sup>(1154)</sup> ILGA, *Run out of town: Transgenders protest against possible eviction*, 24 February 2014; RFE/RL, *Despite Gains, Pakistan's Transgender Community Under Attack*, 26 October 2013.

<sup>(1155)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

<sup>(1156)</sup> Al Arabiya News, *Pakistan's Homosexual Scene: Is the Debate Being Silenced?*, 24 August 2014; That gay backpacker [blog], *Gay life Lahore Pakistan interview*, 23 July 2014; BBC, *Gay Pakistan: Where sex is available and relationships are difficult*, 26 August 2013.

<sup>(1157)</sup> Daily Mail (The), *Pakistani killer murdered three gay men he met online by breaking their necks after having sex with them 'to stop them spreading the evil of homosexuality'*, 28 April 2014.

<sup>(1158)</sup> Pellenec Morgane, *Bienvenue au Pakistan, 'pays des purs'*, 18 November 2013; Bedford Brian, *Spartacus International Gay Guide, 42nd Edition*, 2013-2014, 1 January 2013, p. 622; Naz Foundation International, *Report for The World Bank, Pakistan, Enhanced hiv/aids program: social assessment and mapping of men who have sex with men (msm) in Lahore*, 21 April 2002, p. 43.

<sup>(1159)</sup> Naz Foundation International, *Report for The World Bank, Pakistan, Enhanced hiv/aids program: social assessment and mapping of men who have sex with men (msm) in Lahore*, 21 April 2002, p. 42.

<sup>(1160)</sup> Bedford Brian, *Spartacus International Gay Guide, 42nd Edition*, 2013-2014, 1 January 2013, p. 623.

<sup>(1161)</sup> IPS, *Pakistani Gays Stifled in Closet Living*, 27 September 2013.

<sup>(1162)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l'objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d'emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015.

<sup>(1163)</sup> Al Arabiya News, *Pakistan's Homosexual Scene: Is the Debate Being Silenced?*, 24 August 2014; IPS, *Pakistani Gays Stifled in Closet Living*, 27 September 2013; Gay Pakistan, *Where sex is available and relationships are difficult*, 26 August 2013.

<sup>(1164)</sup> IPS, *Pakistani Gays Stifled in Closet Living*, 27 September 2013; Bedford Brian, *Spartacus International Gay Guide, 42nd Edition*, 2013-2014, 1 January 2013, p. 623.

<sup>(1165)</sup> Bedford Brian, *Spartacus International Gay Guide, 42nd Edition*, 2013-2014, 1 January 2013, p. 623.

## LGBT Associations

In July 2013<sup>(1166)</sup>, the website Queer Pakistan was created with the slogan ‘Don’t hate us, know us’. The objectives were to support LGBT persons and make them aware of sexually transmitted diseases (STDs)<sup>(1167)</sup>. From 24 September 2013, the Pakistan Telecommunication Authority blocked the website, an action it can take if it assesses a website to be pornographic or blasphemous<sup>(1168)</sup>. The team behind the censored website replaced it with a new domain (www.humjins.com)<sup>(1169)</sup> that was also shut down by the authorities on 14 February 2014<sup>(1170)</sup>.

The New York Times also refers to the organisation *O.*, founded in Lahore in March 2009 by a lesbian couple. This NGO, registered in Pakistan under the guise of social welfare, provides legal aid to LGBT people and helps them to deal with difficult family situations while focusing its work on the acceptance of LGBT persons by Pakistani society. Members of this organisation contact each other via an e-mail list and keep their meetings secret. *O.* offers a shelter to LGBT persons who have to flee their families<sup>(1171)</sup>.

Landinfo said in its latest report that there is an organisation supporting LGBT rights in the province of Punjab but did not mention its name<sup>(1172)</sup>.

According to the president of Neengar Society, several organisations support LGBT rights and facilitate discussion by providing locations for meetings. However, they do not do so publicly and only act via sponsorship<sup>(1173)</sup>.

Neengar Society presents itself as a secular and non-political youth organisation dedicated to religious and sexual minority rights. The organisation was established in 2007 and was officially registered on 8 August 2008<sup>(1174)</sup>. It provides an emergency shelter to LGBT persons that received 70 persons during 2013 (10 lesbians, 5 transgender persons, and 55 gay or bisexuals). Between January and November 2014, the organisation provided medical aid, shelter and psychological support to 145 LGBT persons<sup>(1175)</sup>.

The All Pakistan She-Male Association, headed by Almas Bobi, works to safeguard the rights of transvestites, transsexual persons and eunuchs<sup>(1176)</sup>.

## Attitude of religious authorities towards LGBT persons

In a written communication to the Canadian Immigration and Refugee Board in October 2011, the representative of the Women Employees Welfare Association (WEWA)<sup>(1177)</sup> stated that ‘*the religious authorities consider all non-heterosexual behaviour to be grave and immoral offences*’; and that they can propose sanctions such as ‘*stoning or burying alive*’. In the same document, the national representative of the IGLHRC calls attention to the impunity of religious authorities, the risk of the blasphemy legislation being used against LGBT activists, and the sexual and physical abuse that religious authorities can impose against the *zenana*<sup>(1178)</sup>. According to Landinfo’s interlocutor, transgender persons are seen by religious groups as ‘scum’<sup>(1179)</sup>.

Local religious authorities reacted violently to the American Embassy hosting the first LGBT Pride celebration in Islamabad on 26 June 2011. Militants of *Jamiat-e Islami* (Jel), through its student branches (*Islami Jamiat Tulba* and *Jamiat Ulema-i Islam*), demonstrated against this event in several cities. The event was considered an attack on Pakistani culture by the protesters in Karachi<sup>(1180)</sup>. A week later, political and political-religious movements, including

<sup>(1166)</sup> Pink News, *Queer Pakistan LGBT Support Website Blocked*, 25 September 2013.

<sup>(1167)</sup> Pink News, *Pakistan: New Website Helps Gay Men Find Ways Around Harsh Anti-Gay Laws*, 13 August 2013.

<sup>(1168)</sup> Pink News, *Queer Pakistan LGBT Support Website Blocked*, 25 September 2013.

<sup>(1169)</sup> Gay Star News, *After govt ban, Facebook unpublishes Pakistan’s underground gay group*, 5 October 2013.

<sup>(1170)</sup> Queer Pakistan, *Banned again*, [Facebook], 14 February 2014.

<sup>(1171)</sup> New York Times (The), *Gay Pakistanis, Still in Shadows, Seek Acceptance*, 3 November 2012.

<sup>(1172)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 15.

<sup>(1173)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l’État (2010-2013)*, 13 January 2014.

<sup>(1174)</sup> Neengar Society, *Who we are*, 4 December 2011.

<sup>(1175)</sup> IRBC, *Pakistan: information sur les actes de violence ou les mauvais traitements dont font l’objet les minorités sexuelles à Islamabad, à Karachi et à Lahore; information sur la perte d’emploi pour une personne et la difficulté à se louer un logement en raison de son orientation sexuelle (2014)*, 9 January 2015.

<sup>(1176)</sup> RFE/RL, *Despite Gains, Pakistan’s Transgender Community Under Attack*, 26 October 2013; Guardian (The), *Pakistan’s hijras deserve acceptance*, 26 May 2010.

<sup>(1177)</sup> WEWA is registered in the ILGA directory of LGBT organisations as an organisation founded in 1995 that helps lesbian and transsexual communities.

<sup>(1178)</sup> IRBC, *Pakistan: information sur le traitement réservé aux minorités sexuelles par la société, le gouvernement et les autorités religieuses; la protection et les recours offerts (2009-2011)*, 30 November 2011.

<sup>(1179)</sup> Landinfo, *Pakistan: Homosexuals and homosexuality*, May 2013, p. 16.

<sup>(1180)</sup> New York Times (The), *Gay Pakistanis, Still in Shadows, Seek Acceptance*, 3 November 2012; Dawn, *Protests in Pakistan over US gay rights event*, 4 July 2011.

the head of the Jafria Alliance of Pakistan, *Ulema Abbas Kumaili*, and Maulana Ali Mohd Naqvi from the council of Shia ulemas, issued a message that called this event the second most dangerous aggression by the US after the use of armed drones. The message said LGBT persons represented the worst form of human degradation and invoked the anger of Allah <sup>(1181)</sup>.

### Attitude of the state authorities

The Ambassador of Pakistan at the UN, Zamir Akram, expressed his opposition to a round-table discussion on sexual orientation and gender identity, organised by the UN Human Rights Council on 7 March 2012 <sup>(1182)</sup>. In a letter, dated 14 February 2012, addressed to the president of the UN Human Rights Council, he stated that LGBT rights *'have nothing to do with fundamental Human Rights'* and qualified these kinds of relations as *'abnormal sexual behaviour'* <sup>(1183)</sup>.

According to the consulted sources, LGBT persons who are persecuted by their families cannot secure effective protection from Pakistani authorities and the police act as accomplices instead of protectors <sup>(1184)</sup>. According to the president of Neengar Society, the police effectively use provision 377 PPC to threaten LGBT persons with arrest, to blackmail them, or to extort money <sup>(1185)</sup>. The police regularly raid locations where LGBTs gather and prosecutions are only dropped after payment of bribes or granting of sexual favours <sup>(1186)</sup>.

<sup>(1181)</sup> Jafria News, *Upholding Lesbian & Gay Rights in Islamic Republic of Pakistan is Social and Religious Terrorism By US & UN Both*, 25 July 2011.

<sup>(1182)</sup> Tribune (The), *Pakistan opposes UN discussion on violence against LGBT*, 6 March 2012.

<sup>(1183)</sup> Akram, Zamir, *Letter to the President*, 14 February 2012.

<sup>(1184)</sup> UK Home Office, *Country Information and Guidance, Pakistan: Sexual orientation and gender identity*, 14 July 2014, p. 5; IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

<sup>(1185)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

<sup>(1186)</sup> IRBC, *Pakistan: information sur la situation des minorités sexuelles à Islamabad, Karachi et Lahore, y compris le traitement que leur réservent la société et les autorités; la protection de l'État (2010-2013)*, 13 January 2014.

## 4. Migration, displacement and internal mobility

Pakistan is a major emigration country on a global scale but is also a significant immigration country and a destination for refugees in the region. It hosts one of the largest refugee populations in the world (1.5 million registered and approximately 1 million unregistered Afghans) and has large numbers (1.6 million) of internally displaced persons (IDPs) <sup>(1187)</sup>.

The Pakistani government cooperated with UNHCR and other humanitarian organisations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers and other persons of concern <sup>(1188)</sup>.

### 4.1 Freedom of movement within the country

Although Article 15 of the 1973 Constitution of Pakistan grants every citizen the right to enter and move freely within the country, and to reside and settle in any part of it <sup>(1189)</sup>, there are limitations to these rights <sup>(1190)</sup>.

Pakistan is a state party to the International Covenant on Civil and Political Rights (ICCPR) and therefore is only permitted to place limitations on movement if these comply with the requirement of necessity under Article 12 (3) of the ICCPR as well as the need for consistency with the other rights recognised in the covenant. According to the Human Rights Commission of Pakistan, in 2014 Article 12 rights were compromised in Pakistan, directly or indirectly, due to a range of factors including armed conflict, general lawlessness, targeted attacks and the inability of people to travel because of the absence or shortage of means of transport. Freedom of movement was also hindered by the cost of travel and poor road infrastructure <sup>(1191)</sup>.

A curfew during security operations in certain parts of the FATA and KP or occasional road closures imposed by the government to disrupt protests and sit-ins in Islamabad in August 2014 also affected the freedom of movement <sup>(1192)</sup>.

On January 22, 2014, 22 were killed and 31 injured in a suicide bombing in Mastung. The attack targeted a bus carrying pilgrims returning from Iran. The LeJ claimed responsibility for the attack <sup>(1193)</sup>. The Government responded by temporarily suspending the bus service to prevent further attacks <sup>(1194)</sup>.

To ensure peace during *Muharram* (the first month of the Islamic calendar) and to quell sectarian tensions, the Government of Punjab issued directives in October 2014 to ban the entry of 158 clerics, including 62 from the Deoband school of thought, 65 from the Shia community and 31 from the Barelvi sect <sup>(1195)</sup>.

Access to many areas of Pakistan, including the FATA, the Swat Valley and the area adjacent to the Line of Control in the disputed territory of Kashmir, remained restricted for non-Pakistanis. Travel to any restricted area requires official permission from the Pakistan Government <sup>(1196)</sup>.

For the list of open and prohibited areas see the document by Ministry of Foreign Affairs <sup>(1197)</sup>.

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<sup>(1187)</sup> BFA, *Country Analysis Reports: Pakistan - Challenges*, October 2014, pp. 177-178

<sup>(1188)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(1189)</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973.

<sup>(1190)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(1191)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 108.

<sup>(1192)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 109.

<sup>(1193)</sup> Express Tribune (The), *Mastung tragedy: 22 pilgrims die in bus blast*, 22 January 2014.

<sup>(1194)</sup> Dawn, *Pakistan's Shia Pilgrimage Route to Iran Suspended*, 24 January 2014.

<sup>(1195)</sup> Dawn, *Entry of 158 clerics banned in Rawalpindi division*, 27 October 2014.

<sup>(1196)</sup> US DOS, *Pakistan Travel Warning*, updated 24 February 2015.

<sup>(1197)</sup> MoFA, *No. P (2)-NOC/Visits/2011*, 6 January 2011.

## 4.2 Internal displacement

Conflict-related displacement since 2004 has been caused by fighting between the Pakistani military and non-state armed groups, clashes between non-state armed groups, sectarian violence, tribal and local clashes over resources, and human rights abuses committed by the military and non-state armed groups <sup>(1198)</sup>.

In 2014, Pakistan continued to face the challenge of displacement as a result of conflict and natural disasters <sup>(1199)</sup>.

On June 15, 2014, a week after the attack on the country's busiest airport in Karachi, the Pakistani military launched a comprehensive operation against militants in the North Waziristan tribal region <sup>(1200)</sup>. The operation caused the additional displacement of 1 million people into the FATA and Khyber Pakhtunkhwa and in November massive displacements were reported from the Bara area of Khyber Agency <sup>(1201)</sup>. In late June and early July it was reported that the provinces of Punjab and Sindh prevented entry of displaced citizens from the FATA <sup>(1202)</sup>.

As a result, by the end of 2014, approximately 1.6 million people were displaced from the FATA and Khyber Pakhtunkhwa <sup>(1203)</sup>. Up to 1.5 million IDPs were mainly concentrated in Khyber Pakhtunkhwa and the FATA. Apart from the country's north-western region, Balochistan and other parts of Pakistan also hosted up to 275 000 IDPs. In Khyber Pakhtunkhwa and the FATA the majority of IDPs lived with host communities and about 42 400 stayed in camps. According to the Internal Displacement Monitoring Centre (IDMC) *'numbers likely underestimate the scale of displacement as they exclude unregistered IDPs'*. Those who become displaced but do not hold a Computerised National Identity Card (CNIC), have dual addresses, or whose CNIC contains false information are not eligible to register as IDPs <sup>(1204)</sup>.

Displaced individuals had to pay bribes to procure services including completing the IDP registration process, obtaining monthly rations and securing tents <sup>(1205)</sup>.

Displaced women were reported to face many problems in receiving support <sup>(1206)</sup>. Some tribal elders decreed that families fleeing the military offensive should not allow women to collect food aid, though there was no suggestion how widows or unaccompanied women might secure aid <sup>(1207)</sup>.

Displaced religious minorities face many problems as well. As stated by HRCP, *'according to the National Database and Registration Authority (NADRA), 114 Christian, 29 Hindu, 10 Baha'i and four Buddhist families were among those displaced from FATA due to Pakistan army's operation against militants in the region'*. Some displaced families from religious minorities told the media that they were facing discrimination at the IDP camps in Bannu and were being ignored at the food distribution points <sup>(1208)</sup>.

Health remained a concern among the IDPs with little medical care and poor hygienic conditions <sup>(1209)</sup>.

On August 15, 2014 dozens of IDPs from North Waziristan protested in front of the Peshawar Press Club and demanded their return home and an end to the conflict <sup>(1210)</sup>.

On November 20, 2014 Abdul Qadir Baloch, Minister for State and Frontier Regions, stated that more than 90 % of North Waziristan Agency had been cleared of terrorists in the military operation but no timeframe could be given for the return of displaced persons from the area <sup>(1211)</sup>.

The country has also experienced significant displacement as a result of natural disasters, mainly floods. In September 2014, late and concentrated monsoon rains resulted in flash floods in Punjab, Gilgit-Baltistan and Azad Jammu &

<sup>(1198)</sup> IDMC, *Pakistan IDP Figures Analysis*, 31 March 2015.

<sup>(1199)</sup> UN OCHA, *Emergency Response Fund – Pakistan, Annual Report 2014*, 31 December 2014, p. 2.

<sup>(1200)</sup> Dawn, *Zarb-e-Azb operation: 120 suspected militants killed in N Waziristan*, 16 June 2014.

<sup>(1201)</sup> UN OCHA, *Emergency Response Fund – Pakistan, Annual Report 2014*, 31 December 2014, p. 2.

<sup>(1202)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 110.

<sup>(1203)</sup> UN OCHA, *Emergency Response Fund – Pakistan, Annual Report 2014*, 31 December 2014, p. 2.

<sup>(1204)</sup> IDMC, *Pakistan IDP Figures Analysis*, 31 March 2015.

<sup>(1205)</sup> Foreign Policy, *Pakistan's IDP Problem*, 16 January 2015.

<sup>(1206)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 341.

<sup>(1207)</sup> HRCP, *State of Human Rights in 2014*, March 2015, pp. 209-210.

<sup>(1208)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 122.

<sup>(1209)</sup> HRCP, *State of Human Rights in 2014*, March 2015, pp. 210, 224.

<sup>(1210)</sup> News International (The), *North Waziristan IDPs stage protest in Peshawar*, 15 August 2014.

<sup>(1211)</sup> Express Tribune (The), *No timeframe for return of IDPs, says minister*, 21 November 2014.

Kashmir, with more than 2.5 million people affected. About 3 000 continued to live in three temporary camps since January 2010 in Gilgit-Baltistan, where three villages (Attabad, Sarat and Aynabad) were destroyed by a landslide. Another three villages (Shishkat, Gulmit and Ghulkin) were submerged when debris from a landslide blocked the flow of the Hunza River. The affected villages had a combined population of more than 7 400 people <sup>(1212)</sup>.

### 4.3 Leaving the country

Pakistan is one of the top 10 emigration countries worldwide <sup>(1213)</sup>. Right after its independence, some six million people moved from Pakistan to India on a permanent basis for religious and political reasons and, in the 1950s and 1970s, there were significant flows of economically motivated emigrants towards Europe and the Middle East <sup>(1214)</sup>.

According to the Ministry of Overseas Pakistanis, there were about 7.6 million overseas Pakistanis (OPs) living/working/studying in different countries as of 31 December 2013. About 49 % of the OPs are living in Middle Eastern countries followed by Europe (28 %) and America (16 %). OPs contribute to the development of economy by sending remittances, which is the second-largest source of national foreign exchange after exports <sup>(1215)</sup>.

Pakistan is also a significant country of origin in terms of asylum seekers. With a total of 26 332 applications lodged in 44 industrialised countries, Pakistan ranked sixth in 2014, according to UNHCR, following the Syrian Arab Republic, Iraq, Afghanistan, Serbia and Kosovo, and Eritrea. Pakistan ranked fifth in 2014 in the European Union <sup>(1216)</sup>.

#### 4.3.1 Exit regulations

Travelling to Israel is prohibited and Pakistani passports include a statement to this effect. Government employees and students must obtain a No Objection Certificates from the government before travelling abroad <sup>(1217)</sup>, although this requirement is rarely enforced on students <sup>(1218)</sup>.

According to the Exit from Pakistan (Control) Ordinance, 1981 *'the Federal Government may, by order, prohibit any person or class of persons from proceeding from Pakistan to a destination outside Pakistan, notwithstanding the fact that such person is in possession of valid travel documents'* <sup>(1219)</sup>.

As stated by HRCP, some delays in granting passports to those wishing to travel abroad and complaints of arbitrary use of the Exit Control List were reported in 2014 <sup>(1220)</sup>.

The updated website of Pakistan's Ministry of Interior (MoI), when accessed by the COI Service of the UK Home Office in May 2013, provided the following information regarding the Exit Control List: <sup>(1221)</sup>

1. *Exit from Pakistan (Control) Ordinance, 1981, empowers the Federal Government to prohibit any person from proceeding abroad. Ordinarily following categories of persons are placed on ECL:*
  - *Persons involved in mass corruption and misuse of power/authority causing loss to the government funds/property.*
  - *Government employees involved in economic crime where large government funds have been embezzled or institutional frauds committed.*
  - *Hardened criminals involved in acts of terrorism / conspiracy, heinous crimes and threatening national security.*
  - *Key directors of firms having tax default / liabilities of Rs. (rupees) 10 million or more.*
  - *Only 2-3 key directors of firms having more than Rs. 100 million loan default / liabilities.*

<sup>(1212)</sup> HRCP, *State of Human Rights in 2014*, March 2015, pp. 348-349.

<sup>(1213)</sup> Budapest Process, *A Silk Routes Partnership for Migration, Pakistan Migration Country Report*, 2013, p. 31.

<sup>(1214)</sup> BFA, *Country Analysis Reports: Pakistan - Challenges*, October 2014, p. 177.

<sup>(1215)</sup> Ministry of Overseas Pakistanis and Human Resource Development, *Yearbook 2013-14*, 19 February 2015, p. 8.

<sup>(1216)</sup> 26 March 2015, p. 23.

<sup>(1217)</sup> US DOS, *Country Reports on Human Rights Practices for 2014, Pakistan*, 25 June 2015.

<sup>(1218)</sup> US DOS, *Country Reports on Human Rights Practices for 2013, Pakistan*, 27 February 2014.

<sup>(1219)</sup> Pakistan, *Exit from Pakistan (Control) Ordinance, 1981*.

<sup>(1220)</sup> HRCP, *State of Human Rights in 2014*, March 2015, p. 116.

<sup>(1221)</sup> However, at the time of writing, the information was not available on the MoI website.

- Names of persons if recommended by the Registrar, High Courts / Supreme Court of Pakistan and Banking Courts only.
- Drug traffickers...

2. The On-Line System is operational at the Ministry linked with international airports at Karachi, Lahore, Peshawar, Islamabad and Faisalabad.

3. Any person aggrieved by the order of Federal Government regarding placement of his name on ECL, can, under the law, file a Review Petition giving justifications for review and also can seek a personal hearing with the competent authority.

4. ECL is reviewed periodically to assess the need for further retention of a person on ECL or otherwise. <sup>(1222)</sup>

Critics of the Exit from Pakistan (Control) Ordinance stated that the law prevented from travelling abroad not only people who faced ongoing criminal or corruption investigations, but even those who were suspected of such violations <sup>(1223)</sup>. Sources consulted by the Immigration and Refugee Board of Canada (IRBC) noted that the ECL is sometimes used to 'harass' human rights activists or political dissidents <sup>(1224)</sup>.

According to Amnesty International, on 4 March 2015 three human rights activists on their way to a conference organised by the Sindhi and Baloch community in New York were prevented from departure at Karachi airport. Federal Investigation Agency (FIA) officers told them that two of them were on the ECL due to an accusation of engaging in terrorism and anti-state activities. After several interrogations, they were permitted to leave the airport without charge after their plane departed <sup>(1225)</sup>. According to Nazir S. Bhatti, leader of the Pakistan Christian Congress, many Christians are prevented from departure at the airports, due to Exit Control Lists <sup>(1226)</sup>.

#### 4.3.2 Exit routes

According to the United Nations Office on Drugs and Crime (UNODC), Pakistani irregular migrants most often travel for temporary work to Saudi Arabia and the United Arab Emirates. Countries in the European Union (particularly the UK), are popular destinations for those who can afford it <sup>(1227)</sup>.

As for the smuggling of Pakistani migrants to Western Europe, particularly to the UK, the following routes were mentioned in 2012:

- Pakistan - Middle East - Turkey/Greece/Italy - Western Europe
- Pakistan - Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) - Russia - Eastern Europe - Western Europe
- Pakistan - Western Africa - North Africa - Western Europe (no longer used)
- Pakistan - Western Europe <sup>(1228)</sup>

Those who can afford it are smuggled by air either directly to the country of destination or take indirect flights involving stopovers at airports such as Bangkok (Thailand), Casablanca (Morocco), Dhaka (Bangladesh), Istanbul (Turkey), Jeddah (Saudi Arabia), Johannesburg (South Africa), Kampala (Uganda), Kiev (Ukraine), Larnaca (Cyprus), Maputo (Mozambique), Port Louis (Mauritius), Moscow (Russia) or Riyadh (Saudi Arabia) <sup>(1229)</sup>.

Representatives of the FIA, interviewed in November 2014, mentioned two major routes in connection with the migration of Pakistani citizens to the European Union (EU). Some of them leave the country legally with a valid visa and fly to Turkey, then continue to the EU through the Balkans. Others leave Pakistan illegally, often obtaining fraudulent documents, and travel to Turkey by land via Iran and then enter the EU. It was pointed out that since

<sup>(1222)</sup> UK Home Office, *Country of Origin Information (COI) Report, Pakistan*, 9 August 2013, pp. 297-298.

<sup>(1223)</sup> HRCR, *State of Human Rights in 2014*, March 2015, p. 116.

<sup>(1224)</sup> IRB, *Pakistan: Security measures in place and verification made by border authorities of Pakistani citizens departing Pakistan for a country abroad (2004-2007)*, 19 November 2007.

<sup>(1225)</sup> AI, *Re: Restriction of Baloch Activists leaving Pakistan [ASA 33/1148/2015]*, 6 March 2015.

<sup>(1226)</sup> Eglises D'Asie, *La Cour suprême ordonne la mise en place d'un Conseil national pour les droits des minorités*, Paris, 24 June 2014; Express Tribune (The), 'They will kill us': Pakistani Christian family seeks asylum in Bangkok after escape, 26 February 2015.

<sup>(1227)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 7.

<sup>(1228)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 188.

<sup>(1229)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 13.

the introduction of biometric passports in 2004, fake travel documents are more expensive and more difficult to obtain. This also contributed to the growing number of illegal emigrants choosing the land route outlined, despite its difficulty and the dangers involved <sup>(1230)</sup>.

Reportedly, about 10 000 Christians have migrated to Bangkok in recent years to seek refugee status from UNHCR. Others have left for Malaysia, Sri Lanka, Singapore <sup>(1231)</sup>.

### 4.3.3 Human trafficking and smuggling

Pakistan is a regional hub of trafficking in human beings and migrant smuggling to many European and Middle Eastern countries <sup>(1232)</sup>. However, Pakistani media and national authorities do not make a clear distinction between trafficking and smuggling and often use the terms interchangeably <sup>(1233)</sup>.

As regards smuggling trends, according to the UNODC, the most popular destinations for Pakistanis include Saudi Arabia, UAE, Iran, Greece, Turkey and the UK. The majority of Pakistani nationals smuggled are single men with an average age of 30 and come predominantly from Punjab and Khyber Pakhtunkhwa <sup>(1234)</sup>.

Research from 2012 indicates fees of between USD 18 000 and USD 26 000 for indirect flights to the United States via Bangkok <sup>(1235)</sup>. Funds to cover the costs of being smuggled, which represent a major financial burden, are raised through savings, selling property or loans <sup>(1236)</sup>.

Corruption and the use of fraudulent documents are common methods in all forms of migrant smuggling out of Pakistan, whether by land, air or sea <sup>(1237)</sup>. As stated by the FIA, tackling human smuggling is complicated by the long and porous border with Afghanistan and the fact that there is a multi-country smuggling network believed to be organised from Iran <sup>(1238)</sup>.

Concerning the trafficking of human beings, Pakistan is considered as a source, transit, and destination country for men, women and children subjected to forced labour and sex trafficking. The government focuses on trafficking as a transnational phenomenon, conflating trafficking and smuggling which are separate crimes under international law. The government's efforts to fight trafficking were impaired by corruption and the absence of federal laws to address internal human trafficking <sup>(1239)</sup>.

## 4.4 Return to Pakistan

The Readmission Agreement concluded between the EU and Pakistan lays down the principle of systematic return of Pakistani nationals residing without authorisation in a Member State <sup>(1240)</sup>.

Pakistanis represent a growing number of voluntary and forced returns from the EU, with voluntary returns representing one-third of all Pakistani returns between 2011 and 2013 <sup>(1241)</sup>.

In 2014, 2 942 Pakistani were forcibly returned from the EU. This is a 65 % decrease compared to 2013, when Pakistanis were the second-largest group (8 369) of forced returns from the EU. Voluntary returns of Pakistanis from the EU have slightly decreased as well in 2014, from 3 663 in 2013 to 3 507 in 2014 <sup>(1242)</sup>.

<sup>(1230)</sup> Representative of the Federal Investigation Agency, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(1231)</sup> Eglises D'Asie, *La Cour suprême ordonne la mise en place d'un Conseil national pour les droits des minorités*, Paris, 24 June 2014; HRCR, *Annual Report 2014-Freedom of thought, conscience and religion*, p. 130;

<sup>(1232)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 13.

<sup>(1233)</sup> Budapest Process, *A Silk Routes Partnership for Migration, Pakistan Migration Country Report*, 2013, p. 41.

<sup>(1234)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 188.

<sup>(1235)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 8.

<sup>(1236)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 13.

<sup>(1237)</sup> UNODC, *Migrant Smuggling in Asia: A Thematic Review of Literature*, August 2012, p. 7.

<sup>(1238)</sup> Representative of the Federal Investigation Agency, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(1239)</sup> US DOS, *Trafficking in Persons Report 2014, Pakistan*, 20 June 2014.

<sup>(1240)</sup> Council of the European Union, *Council Decision 2010/649/EU of 7 October 2010 on the conclusion of the Agreement between the European Community and the Islamic Republic of Pakistan on the readmission of persons residing without authorisation*, 7 October 2010.

<sup>(1241)</sup> IOM, *Comparative Research on the Assisted Voluntary Return and Reintegration of Migrants*, 2015, p. 243.

<sup>(1242)</sup> Frontex, *Annual Risk Analysis 2014*, April 2015, p. 65.

According to FIA, in the first 9 months of 2014, a total of 58 400 Pakistani citizens returned to their home country, representing both voluntary and forced returns <sup>(1243)</sup>.

#### 4.4.1 Treatment of returnees

According to information obtained during a fact-finding mission by the Hungarian Office of Immigration and Nationality in 2014, the procedure concerning the return of Pakistani citizens is the responsibility of the FIA. Every returnee is interviewed by FIA officials upon arrival at the port of entry; however FIA representatives emphasised that, in general, returnees are considered ‘victims’ and not ‘offenders’. Pakistani citizens turned back because of violating other countries’ rules of residence or overstaying or being refused entry are not prosecuted, since there would have been no violation of Pakistani laws. They are interviewed upon arrival and have to fill out a form but, in general, are free to go. However, if a person is returned by foreign authorities without documents issued in Pakistan, the FIA will undertake an inquiry. According to the FIA, the most important detail they are interested in regarding returnees is whether or not they had travelled on a forged passport and/or fake visa. If this is so, the returnee can be arrested and held in custody for 14 days for forging travel documents before a criminal case is filed in a court. However, the FIA is more interested in the travel agent or any other person who facilitated the returnee’s departure <sup>(1244)</sup>.

Earlier information on the treatment of failed asylum seekers in Pakistan (2010, based on information from 2008 and 2003) had suggested that the FIA did not interview all nationals returning to Pakistan, but detained and interviewed those alleged to have violated any law in relation to travel/visit to a foreign country. There would be no punishment for those who returned to Pakistan after a failed asylum claim, there being no law forbidding them from applying for refugee status elsewhere. However, a Pakistani national who had been denied refugee status could be arrested on return if there were criminal charges registered against him or her in Pakistan <sup>(1245)</sup>.

#### 4.4.2 Reintegration

IOM assisted returnees to reintegrate in different provinces across the country (including Punjab, Sindh and Khyber Pakhtunkhwa, in addition to Islamabad). Depending on the place of return, beneficiaries received phone or face-to-face counselling, which allowed returnees to explore their plans and to discuss how these could be converted into reliable and stable economic activities. Reintegration assistance included, depending on the options available under the respective programmes, setting up of small businesses solely or in partnership, medical assistance, education/vocational training, temporary accommodation or support to rent a house <sup>(1246)</sup>.

In the last quarter of 2014, IOM assisted 972 voluntary returns (AVR) and 333 voluntary returns and reintegration (AVRR) cases to Pakistan <sup>(1247)</sup>.

<sup>(1243)</sup> Representative of the Federal Investigation Agency, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

<sup>(1244)</sup> Representative of the Federal Investigation Agency, *FFM interview conducted by OIN Hungary*, 4-14 November 2014.

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# Annex: Terms of Reference

## General country information

### Geography

Landscape, climate, administrative divisions, cities, transport infrastructure

### Demography

Population, ethnic and linguistic groups, languages, religions

### Short history

### State structure and political landscape

Parliament, government and administration

Federalism

Judiciary

Armed forces/police/intelligence

Electoral system

Political scene (political parties)

### Education

Literacy and enrolment

Curriculum

Institutes and organisations

### Media and telecommunication

Media

Telecommunication

### Health Care

Standards at primary, secondary and hospital level

Availability and accessibility (regional differences)

Most common health problems and health sector response (incl. reproductive health and disability)

### Socio-economic and humanitarian situation

Main sources of income for different parts of the society

Situation in big cities

Situation in rural areas – regional differences

Institutional and customary remedies (social networks, religious and non-governmental institutions, governmental actions)

### Documents

General remarks (NADRA)

ID documents, passports

Birth, marriage, divorce and death certificates

First Information Report and other police/court documents

Other

## **Security situation**

### **General**

Short historical overview

Actors

Security forces

Militant groups

Non-state armed groups

Recent security trends and armed confrontations

Anti-terrorism acts

Impact of violence on civilians

### **FATA and Khyber Pakhtunkhwa**

Violent incidents

Impact on civilians (victims, IDPs, daily life...)

Actors

### **Balochistan**

Violent incidents

Impact on civilians (victims, IDPs, daily life...)

Actors

### **Punjab**

Violent incidents

Impact on civilians (victims, IDPs, daily life...)

Actors

### **Sindh**

Violent incidents

Impact on civilians (victims, IDPs, daily life...)

Actors

### **Azad Kashmir**

Violent incidents

Impact on civilians (victims, IDPs, daily life...)

Actors

## **Human Rights situation**

### **Legal context**

International treaties

National legislation

### **General situation**

Unlawful deprivation of life

Disappearances

Arbitrary arrest and detention

Torture and other cruel, inhumane and degrading treatment and punishment (incl. death penalty)

Detention and prison conditions

Access to law enforcement and fair trial

State protection

Settlement of land disputes

Blood feuds /Honour-related conflict settlement

Religious/Sectarian Violence

Involuntary and enforced disappearances, extra judicial killings

Human rights abuses by state and non-state armed actors.

### **Situation of religious groups**

General (introduction)

Religious legal context

Personal laws

Interreligious marriages

Specific groups

Ahmadiyya (esp. in Rabwah)

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Hindu

Shia (incl. Hazaras)

Sikhs

Sufi

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### **Situation of ethnic groups**

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Mohajirs

### **Situation of children**

Illegitimate children

Child labour

Child recruitment by armed groups

Child marriages

#### **Situation of women**

Single/unaccompanied women

Forced and arranged marriages (cross reference to child marriages)

Sexual and gender-based related violence (domestic violence, honour crimes)

Support groups/organisations

#### **Situation of LGB**

Legislation

State reaction (selective punishment)

Society reaction

Support organisations

#### **Situation of journalists, bloggers**

#### **Situation of civil society actors and human rights defenders**

### **Migration, displacement and internal mobility**

#### **Leaving the country**

Exit regulations (exit control list, exit visa, illegal exit)

Illegal exit routes

Facilitators, smugglers and human trafficking

#### **Freedom of movement within the country**

#### **IDPs (numbers and locations)**

#### **Returnees**

Voluntary and assisted return (UNHCR, IOM,...)

Diaspora

IDPs

Forced return

Treatment of returnees

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