



Home Office

# **Country Information and Guidance**

## **Pakistan: Women fearing gender-based harm / violence**

Version 2.0

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# Preface

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

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

## Country Information

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

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

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

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,  
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspectorukba@icinspector.gsi.gov.uk](mailto:chiefinspectorukba@icinspector.gsi.gov.uk)

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

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# Guidance

Updated 7 December 2015

## 1. Introduction

### 1.1 Basis of Claim

- 1.1.1 Fear of gender-based persecution or serious harm by the state and/or non-state actors because the person is a woman.
- 1.1.2 For the purposes of this instruction, gender-based persecution or serious harm includes domestic violence, sexual violence including rape, honour crimes, and women accused of committing adultery or having extra-marital relations.

## 2. Consideration of Issues

### 2.1 Is the person's account credible?

- 2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview. (See the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing. (See the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Do women from Pakistan constitute a particular social group?

- 2.2.1 Women in Pakistan are considered to form a particular social group (PSG) within the meaning of the Refugee Convention. In [Shah and Islam HL \[1999\] ImmAR283](#) the House of Lords held that women in Pakistan constituted a particular social group because they share the common immutable characteristic of gender, they were discriminated against as a group in matters of fundamental human rights and the State gave them no adequate protection because they were perceived as not being entitled to the same human rights as men (see [Background](#) and [Legal context](#) in the country information).
- 2.2.2 Although women in Pakistan form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further guidance on particular social groups, see section 7.6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

## 2.3 Is the person at risk of persecution or serious harm?

- 2.3.1 Pakistan is ranked as the third most dangerous place in the world for women, and one of the most unequal. Violence against women is widespread, be it domestic violence, sexual abuse and harassment, acid attacks, forced marriages, forced conversion and honour killings.
- 2.3.2 The law in Pakistan prohibits discrimination on the basis of sex but in practice the authorities did not enforce it: women face legal and economic discrimination. Women faced discrimination in family law, property law, and the judicial system. Discriminatory provisions against women also exist in a number of laws, such as the Qanoon-e-Shahadat Order 1984 (Law of Evidence), the Hudood Ordinances (1979) and the Citizenship Act (1951).
- 2.3.3 There have been a number of legislative measures undertaken to improve the situation of women in Pakistan in recent years. However, the Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011 is considered to be too ambiguous and does not carry force as offences addressed are non-cognizable. Additionally, a study found that there was a lack of awareness and clarity about its application amongst police officers and public prosecutors. Pakistan remains a heavily patriarchal society and discrimination against women persists. Levels of violence against women (VAW) continue to be high; over 10,000 cases were reported in 2014. Statistics varied on the number of cases of VAW – under-reporting was cited as one reason and those who did file reports were often disbelieved or reprimanded for being part, if not entirely responsible. An average of 4 women were raped each day in 2014; 1,000 “honour” killings were said to be committed each year; up to 232 incidents of acid throwing occurred in 2014; 9 out of 10 women experience domestic violence. Other forms of VAW include dowry disputes, kidnappings, child marriage, acid and burn attacks, and forced marriages. The police are sometimes complicit in VAW. (See [Legal context](#), [Sexual and gender-based violence](#) and [Police attitudes and responses to violence against women](#)).
- 2.3.4 Being female does not on its own establish a need for international protection. The level of discrimination against women in Pakistan does not, in general, amount to persecution. The onus is on the person to demonstrate that she would be personally at risk of gender based violence and that she would be unable to access effective state protection.
- 2.3.5 For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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

Also see the [Country Information and Guidance Pakistan: Background information including actors of protection and internal relocation](#).

- 2.4.1 In the country guidance case of [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#), 14 July 2010, the Upper Tribunal found that the ‘evidence fell well short of establishing ... that in general the police were fundamentally unwilling or unable to carry out law and order functions and ensure the protection of the public’ (paragraph 193).

Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the person to demonstrate why they would be unable to access effective protection.

- 2.4.2 The police are sometimes unwilling to provide protection for women fearing sexual or gender based violence. Women who tried to report abuse faced serious challenges. Police and judges are sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile and returning the victims to their abusers. There are also reports that some police and security forces raped some women. The government rarely took action against those responsible.
- 2.4.3 The government established some police stations for women staffed by female police officers in a bid to offer victims of violence a safe place to register complaints and file charges. However, there were too few, difficult to access, under resourced, with insufficiently trained staff (see [Women police stations and women police officers](#)).
- 2.4.4 Government-run shelters (Darul Amans) for women victims of violence were said to be overcrowded with poor facilities and inadequately trained staff. They can also only hold women for 24-72 hours, which is deemed insufficient. Although privately (NGO)-run shelters were reportedly better, both types of provisions sometimes tried to reconcile women with their families, due to the difficulties of single women living alone in Pakistan society. Going to a shelter home is still considered taboo, bringing shame to the family. There were also reports of abuse taking place at shelters. (See [Single/unaccompanied women](#) and [Assistance available to women](#)).

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### Victims of domestic violence

- 2.4.5 No specific federal law prohibits domestic violence, which was widespread. Women who experience domestic violence are sometimes viewed as at fault and the police often considered disputes within marriage to be a private matter, encouraging parties to reconcile rather than file charges (see [Domestic violence and acid attacks, Police attitudes and responses to violence against women](#)).
- 2.4.6 In the country guidance case of [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#), 14 July 2010, the Upper Tribunal held that the network of women's shelters (comprising government-run shelters (Darul Amans) and private and Islamic women's crisis centres) in general affords effective protection for women victims of domestic violence, although there are significant shortcomings in the level of services and treatment of inmates in some such centres (paragraph vi). More recent country information suggests that conditions and treatment in some women's shelters remained inadequate (see [Assistance available to women](#)).

## Women who have reported being raped

2.4.7 The Protection of Women (Criminal Laws Amendment) Act 2006 has introduced significant changes to the consideration of rape cases in the courts; however, the Act is poorly implemented and some police have reportedly been implicated in rape cases in some instances. Police often perceive rape victims as immoral in character and therefore to blame, and survivors of rape are sometimes pressurised into withdrawing their complaint and not pursuing the matter, or settling out of court. There are reports that some women are forced to marry their attackers. Prosecutions in rape cases are rare and court cases can take years (See Rape, Police attitudes and responses to violence against women, and Assistance available to women).

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## Women who fear becoming a victim of an “honour” crime

2.4.8 In the country guidance case of KA & others the court found that whether a woman on return faces a real risk of an honour killing will depend on the particular circumstances; however, in general such a risk is likely to be confined to tribal areas such as Khyber Pakhtunkhwa and is unlikely to impact on married women (paragraph iv). More recent information indicates that the risk of honour killing in Pakistan is not restricted geographically or otherwise. In 2014, Punjab reported 362 cases of honour killings compared to 212 in Sindh, 60 in Khyber Pakhtunkhwa and 77 in Balochistan. There were also 2 cases of honour killings reported in Islamabad.

2.4.9 The authorities may be unable or unwilling to provide protection for women fearing honour crimes. The Criminal Law (Amendment) Act 2004 which recognises offences committed in the name of honour is reported to be flawed and inadequately enforced. The Qisas and Diyat Ordinances continue to be applied in cases relating to ‘honour’ allowing perpetrators to negotiate compensation with the victim’s family in exchange for dropping charges. An estimated 70 per cent of perpetrators go unpunished. Jirgas have invoked death sentences against women for honour related crimes. The police have been reported to be ‘complicit’ with perpetrators of honour crimes to avoid filing cases or destroy evidence. There is limited support for women fearing honour crimes and security breaches have been reported in shelters and courts, resulting in the deaths of women. (see Honour crimes, Police attitudes and responses to violence against women, and Assistance available to women).

2.4.10 Women are legally free to marry without family consent (also called a love marriage), but those who did so were often ostracised or faced becoming the victims of “honour” crimes.

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## Women accused of adultery or extra-marital relations

2.4.11 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. Honour killings are committed against men and women accused of sexual infidelity or indiscretion, where the killers, often male family members, seek to avenge the dishonour brought



upon the family. A mere allegation of sexual misconduct is enough to perpetrate such an honour crime.

- 2.4.12 In the country guidance case of KA & others the Tribunal found that the Protection of Women (Criminal Laws Amendment) Act 2006, one of a number of legislative measures undertaken to improve the situation of women in Pakistan in the past decade, has had a significant effect on the operation of the Pakistan criminal law as it affects women accused of adultery (paragraph iii).
- 2.4.13 Most sexual offences now have to be dealt with under the Pakistan Penal Code rather than under the more punitive Offence of Zina (Enforcement of Hudood) Ordinance 1979. Husbands no longer have power to register a First Information Report (FIR) with the police alleging adultery. Any such complaint must be presented to a court which will require sufficient grounds to be shown for any charges to proceed. A senior police officer has to conduct the investigation (KA & others, paragraph iii).
- 2.4.14 As noted in the country guidance case of KA & others, in general persons who on return would face prosecution on charges of adultery in the Pakistan courts would not be at real risk of a flagrant denial of their right to a fair trial, although it will always be necessary to consider the particular circumstances of the individual case (paragraph i).
- 2.4.15 There may, however, be women who are not able to access assistance and protection and each case needs to be carefully considered on its facts. Honour killings may be committed against men and women accused of adultery. (See Adultery/extra-marital relations, Honour crimes, Police attitudes and responses to violence against women, and Assistance available to women).
- 2.4.16 Many “love marriages” find themselves subject to harassment by the Pakistani police, who raid and search their homes, arrest them, and may even charge them with “pre”- marital sex.
- 2.4.17 Children born outside of marriage are considered “forbidden under Islam”. They do not have inheritance rights and have problems accessing national identity cards.
- 2.4.18 For further guidance on assessing the availability or not of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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## 2.5 [Are those at risk able to internally relocate in Pakistan?](#)

Also see the Country Information and Guidance Pakistan: Background information including actors of protection and internal relocation.

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.2 In the country guidance case of SN & HM (Divorced women– risk on return) Pakistan, 25 May 2004, the Tribunal found that the question of internal flight will require careful consideration in each case. The Tribunal found (at

paragraph 48 of the determination) that the general questions which decision makers should ask themselves in cases of this kind are:

- (a) has the claimant shown a real risk or reasonable likelihood of continuing hostility from her husband (or former husband) or his family members, such as to raise a real risk of serious harm in her former home
- (b) If yes, has she shown that she would have no effective protection in her home area against such a risk, including protection available from the Pakistani state, from her own family members, or from a current partner or his family?
- (c) If, yes would such a risk and lack of protection extend to any other part of Pakistan to which she could reasonably be expected to go (Robinson [1977] EWCA Civ 2089 AE and FE [2002] UKIAT 036361), having regard to the available state support, shelters, crisis centres, and family members or friends in other parts of Pakistan?

2.5.3 It is considered difficult for a single woman to live alone in Pakistan due to prejudices against women, lack of secure accommodation and economic dependence. However, in some big cities, if a woman is educated, higher class and working, it is reported to be easier to live alone.

2.5.4 In order to engage obligations under the Refugee Convention or Article 3 ECHR there should be a positive answer to each of these questions (see [Sexual and gender-based violence](#), [Police attitudes and responses to violence against women](#), and [Assistance available to women](#)).

2.5.5 Decision makers must also take into account the position of some women in Pakistani society where they may:

- face patriarchal attitudes and deep-rooted stereotypes;
- not be educated or even literate (over half the female population were illiterate);
- have to depend on relatives for economic support;
- face safety issues and social constraints in living alone.

In such cases, internal relocation is likely to be unduly harsh for many women. (see [Social and economic rights](#)).

2.5.6 For further guidance on considering internal relocation and factors to be taken into account, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.6 **If refused, is the claim likely to be certifiable as ‘clearly unfounded’?**

2.6.1 Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.6.2 For further guidance on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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### 3. Policy summary

- 3.1.1 Although there have been a number of legislative and other measures undertaken to improve the situation of women in Pakistan in recent years, gender based violence against women remains a serious problem.
- 3.1.2 Although some police may be unwilling to offer it, in general effective state protection is likely to be available for women fearing gender based violence. However, each case needs to be carefully considered on its facts.
- 3.1.3 Internal relocation to avoid risk from gender based violence may be viable in some limited cases.
- 3.1.4 A grant of asylum will be appropriate for a woman who fears gender based violence where they have demonstrated:
- (i) a real risk of continuing hostility such as to raise a real risk of serious harm in her former home area; and
  - (ii) that they would have no effective protection in their home area against such a risk; and
  - (iii) is unable to relocate elsewhere in Pakistan with regard to the available state support, shelters, crisis centres, and family members or friends in other parts of the country.
- 3.1.5 A woman who demonstrates a real risk or reasonable likelihood of ill-treatment on return to Pakistan on account of another reason outlined in this report, who is also able to show that she is unable to secure effective protection or relocate elsewhere in Pakistan to escape that risk, will qualify for asylum.

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# Country Information

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## 4. Background

### 4.1 Position of women in society

4.1.1 The Department for International Development noted in November 2014 that 'Pakistan is ranked as the third most dangerous place in the world for women, and one of the most unequal. Violence against women is widespread, be it domestic violence, sexual abuse and harassment, acid attacks, forced marriages, rape and honour killings.'<sup>1</sup>

4.1.2 The status of a woman in Pakistan differs in accordance with their social positioning in terms of 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>2</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>3</sup>

4.1.3 The US Department of State noted in its Human Rights report for 2014 (USSD Human Rights report 2014) noted that 'Women faced legal and economic discrimination. The law prohibits discrimination on the basis of sex, but authorities did not enforce it. Women faced discrimination in family law, property law, and the judicial system.'<sup>4</sup>

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## 5. Legal context

### 5.1 Protections

5.1.1 The Constitution provides for equality of citizens and states:

(1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex.

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<sup>1</sup> UK Department for International Development, Leading the way: first female prosecutor in Khyber Pakhtunkhwa fights for women's rights, 28 November 2014, <https://www.gov.uk/government/case-studies/leading-the-way-first-female-prosecutor-in-khyber-pakhtunkhwa-fights-for-womens-rights>, date accessed 22 September 2015

<sup>2</sup> Human Rights Commission of Pakistan, 'State of Human Rights in 2011', March 2012, <http://hrccp-web.org/publication/book/annual-report-2011-english/>, page 155, date accessed 3 July 2015.

<sup>3</sup> United Nations, 'Committee on the Elimination of Discrimination against Women Concluding observations on the fourth periodic report of Pakistan adopted by the Committee at its fifty fourth session (11 February – 1 March 2013)', 27 March 2013, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhss1YTn0qfX85YJz37palgUCbRnDkZ2OUgeF1H8Rw4AiBI34cr4YTphL4zSOFI4%2fDbqfhg1l857KI2bXTvBPw1XBhvMs%2bzT%2bfjZ%2bHCBU2D%2bm4>, paragraph 21, date accessed 3 July 2015.

<sup>4</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.<sup>5</sup>

5.1.2 The UN Committee on the Elimination of Discrimination against Women (CEDAW) in its 'Concluding observations on the fourth periodic report of Pakistan', dated 27 March 2013, welcomed the adoption of laws aimed at eliminating discrimination against women, including:

- The Criminal Law Act (Second Amendment, 2011), referred to as the Acid control and Acid Crime Prevention;
- The Criminal Law Act (Third Amendment, 2011), referred to as Prevention of Anti-Women Practices; and
- The Protection against Harassment of Women at the Workplace Act, 2010.<sup>6</sup>

5.1.3 Describing some of the laws aimed at protecting women, the US Department of State noted in its Human Rights report for 2014 (USSD Human Rights report 2014) that:

'The 2011 Prevention of Anti-Women Practices Amendment Act criminalizes and punishes giving a woman in marriage to settle a civil or criminal dispute; depriving a woman of her rights to inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the marriage of a woman with the Quran, including forcing her oath on the Quran to remain unmarried or not to claim her share of an inheritance... A 2004 law on honor killings and the 2011 Prevention of Anti-Women Practices Act criminalize acts committed against women in the name of traditional practices.

'The 2010 Acid Control and Acid Crime Practice Bill makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. As with other laws, these measures are not applicable to FATA [Federally Administered Tribal Areas] and PATA [Provincially Administered Tribal Areas] unless the president issues a notification to that effect. The 2012 National Commission on the Status of Women Bill provides for the commission's financial and administrative autonomy to investigate violations of women's rights... The 2010 Criminal Law Amendment Act and the Protection Against Harassment of Women at Workplace Act criminalize sexual harassment in the workplace and public sphere.'<sup>7</sup>

5.1.4 The USSD Human Rights report 2014 also noted that:

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<sup>5</sup> The Constitution of Pakistan, <http://www.pakistani.org/pakistan/constitution/>, Part II, Chapter 1, Article 25, date accessed 3 July 2015.

<sup>6</sup> United Nations, 'Committee on the Elimination of Discrimination against Women Concluding observations on the fourth periodic report of Pakistan adopted by the Committee at its fifty fourth session (11 February – 1 March 2013)', 27 March 2013, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhss1YTn0qfX85YJz37palgUCbRnDkZ2OUgeF1H8Rw4AiBI34cr4YTphL4zSOFI4%2fDbqfhg1l857KI2bXTvBPw1XBhvMs%2bzT%2bfjZ%2bHCBU2D%2bm4>, paragraph 4, date accessed 3 July 2015.

<sup>7</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

'No specific federal law prohibits domestic violence, which was widespread. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes sometimes resulted in death or disfigurement by burning or acid.

'...Although the 2010 Criminal Law Amendment Act and the Protection Against Harassment of Women at Workplace Act criminalize sexual harassment in the workplace and public sphere, the problem was widespread.'<sup>8</sup>

- 5.1.5 Balochistan's Provincial Assembly passed the Domestic Violence (Prevention and Protection) Bill in 2014, criminalising many forms of domestic violence, apart from physical abuse, which is already covered under the penal code. The Sindh Assembly passed similar legislation in 2013.<sup>9</sup>

See also [Police attitudes and responses to violence against women](#)

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## 5.2 Restrictions

- 5.2.1 CEDAW noted in its 2013 report that discriminatory provisions against women in a number of laws, such as the Qanoon-e-Shahadat Order 1984 (Law of Evidence), the Hudood Ordinances (1979) and the Citizenship Act (1951) prevail, as does the poor implementation of laws aimed at the elimination of discrimination against women. CEDAW also expressed concern at 'the lack of awareness by the judiciary of women's rights and relevant domestic legislation. It is further concerned at the existence of parallel justice systems (jirgas and panchayats), despite the ruling against their legality, and of different informal dispute resolution mechanisms (Musalihah Anjuman), which discriminate against women.'<sup>10</sup>
- 5.2.2 An Aurat Foundation study undertaken in six districts across Pakistan with police and prosecution services on the implementation of the Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011(AWP Act, 2011) found that that the Act is 'too ambiguous and does not carry force as offences addressed are non-cognizable' and that 'there is no awareness regarding the law, or even clarity regarding its applicability amongst officers of the law and other state representatives tasked with its implementation, including public prosecutors'. Additionally, the report found that: 'The law

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<sup>8</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 22 September 2015.

<sup>9</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>10</sup> United Nations, 'Committee on the Elimination of Discrimination against Women Concluding observations on the fourth periodic report of Pakistan adopted by the Committee at its fifty fourth session (11 February – 1 March 2013)', 27 March 2013, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhss1YTn0qfX85YJz37palqUCbRnDkZ2OUgeF1H8Rw4AiBI34cr4YTphL4zSOFI4%2fDbqfghg11857KI2bXTvBPw1XBhvMs%2bzT%2bfjZ%2bHCBU2D%2bm4>, paragraph 15, date accessed 3 July 2015.

does not automatically declare nikah [Islamic marriage] under duress or coercion as null and void. A woman would be required to file a case for khula or divorce if she wants to end the marriage, or file for a court order for police intervention'.<sup>11</sup>

### 5.2.3 The USSD Human Rights report 2014 noted:

'As in previous years, the government did not effectively enforce the Women's Protection Act of 2006. The act brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. By law police are not allowed to arrest or hold a female victim overnight at a police station without a civil court judge's consent. The law requires a complaint to be made directly to a sessions court, a trial court for heinous offenses. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police may then make arrests. While this procedure was meant to eliminate police and societal abuses, NGOs reported it created other barriers for rape victims who could not afford to travel to or access the courts. Rape was a severely underreported crime.

'...In 2010 the FSC [Federal Shariat Court] declared several clauses of the Women's Protection Act un-Islamic and unconstitutional. The verdict sought to reinstate certain provisions of the 1979 Hudood Ordinance and expand the FSC's jurisdiction in cases of adultery and false accusations of adultery. A reinstatement of these provisions could permit the use of adultery charges against women in cases of rape, as occurred in the past. In 2011 the federal government appealed the FSC's decision to the Supreme Court, which had not set a hearing date by year's end. In September 2013 the non-governmental Council of Islamic Ideology, which advises parliament and the prime minister, rejected the Women's Protection Act, saying it was contrary to the spirit of the Quran and sharia.

'...No specific federal law prohibits domestic violence, which was widespread. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes sometimes resulted in death or disfigurement by burning or acid.'<sup>12</sup>

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## 6. Social and economic rights

### 6.1 Overview

6.1.1 In a total population of 199,085,847 (July 2015 estimate), 96,854,789 were women.<sup>13</sup> In 2014, 19.6 per cent of parliamentary seats were held by

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<sup>11</sup> Zaman, S., 'Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011', October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page 119, date accessed 23 July 2015.

<sup>12</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>13</sup> CIA World Factbook, Pakistan, last updated 1 September 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, People and society, date

women; 19.3 per cent of adult women have reached a secondary level of education compared to 46 per cent of their male counterparts.<sup>14</sup> An estimated 45.8 per cent of women were literate compared to 69.5 per cent of men.<sup>15</sup> For every 100,000 live births, 260 women die from pregnancy related causes; adolescent birth rate is 27.2 births per 1000 live births. Female participation in the labour market is 24.4 per cent compared to 82.9 for men.<sup>16</sup>

## 6.2 Marriage, divorce and inheritance laws

- 6.2.1 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>17</sup> The Child Marriage Restraint Act proscribes the minimum age of marriage for girls as 16 years old and 18 years for boys<sup>18</sup>, although the Sindh Child Marriage Restraint Act, passed in April 2014, prohibited marriage for children under the age of 18 years.<sup>19</sup> However, implementation of these laws were poor and child marriages were widespread across Pakistan.<sup>20</sup> (See [Child marriage](#))
- 6.2.2 The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband.<sup>21</sup> However, the USSD Human Rights report for 2014 noted that 'Divorced women often were left with no means of support, as their families ostracized them.'<sup>22</sup>
- 6.2.3 The Pakistan Penal Code Criminal Law (Third Amendment) Act of 2011 makes it illegal to deny women inheritance of property by deceitful means.<sup>23</sup> However, the USSD Human Rights report for 2014 report noted that: 'Female children are entitled to one-half the inheritance of male children.'

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accessed 9 September 2015.

<sup>14</sup> United Nations Development Programme (UNDP), 'Human Development Indicators Pakistan', 2014, <http://hdr.undp.org/en/countries/profiles/PAK>, date accessed 6 July 2015.

<sup>15</sup> CIA World Factbook, Pakistan, last updated 1 September 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, People and society, date accessed 9 September 2015.

<sup>16</sup> United Nations Development Programme (UNDP), 'Human Development Indicators Pakistan', 2014, <http://hdr.undp.org/en/countries/profiles/PAK>, date accessed 6 July 2015.

<sup>17</sup> Muslim Family Laws Ordinance, Pakistan: VIII of 1961, available at: <http://www.refworld.org/docid/4c3f1e1c2.html>, date accessed 6 July 2015.

<sup>18</sup> Child Marriage Restraint Act [Pakistan], Act No. XIX of 1929, 1929, available at: <http://www.refworld.org/docid/4c3f19a02.html>, date accessed 7 July 2015.

<sup>19</sup> Sindh Child Marriage Restraint Act, 2013, 28 April 2014 <http://sindhlaws.gov.pk/setup/publications/PUB-13-000734.pdf>, date accessed 22 September 2015.

<sup>20</sup> The Nation, Child marriage is illegal – why is it still common in our country?, 6 June 2015, <http://nation.com.pk/blogs/06-Jun-2015/child-marriage-is-illegal-why-is-it-still-common-in-our-country>, date accessed 9 September 2015.

<sup>21</sup> Dissolution of Muslim Marriages Act (The), Pakistan, 1939, available at: <http://www.refworld.org/docid/4c3f1c632.html>, date accessed 6 July 2015.

<sup>22</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 22 September 2015.

<sup>23</sup> Pakistan Penal Code (Act XLV 1860), 6 October 1860, <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, date accessed 6 July 2015.



Wives inherit one-eighth of their husband's estate. Women often received far less than their legal entitlement.<sup>24</sup>

#### 6.2.4 The USSD Human Rights report for 2014 reported that:

'Women faced discrimination in family law, property law, and the judicial system. Family law provides protection for women in cases of divorce, including requirements for maintenance, and sets clear guidelines for custody of minor children and their maintenance. Many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support, as their families ostracized them.'<sup>25</sup>

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### 6.3 Forced and arranged marriages

6.3.1 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. Dr Hussein noted that 'love marriages which transgress family expectations can result in considerable family pressure being brought to bear. Again, violence could be a part of such pressure.'<sup>26</sup> Some families were reportedly moved to use violence in opposing 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>27</sup> Women were legally free to marry without family consent, but those who did so were often ostracised or faced becoming the victims of "honour" crimes.<sup>28</sup>

See also [Adultery/extra-marital relations](#), [Love marriage and "Honour" crimes](#)

6.3.2 The Society for the Protection of the Rights of the Child noted that the practice of vani, swara, dand and watta-satta marriages – customary means of settling disputes or feuds between families, or exchanging daughters – remained prevalent throughout Pakistan<sup>29</sup>, and particularly applied to rural

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<sup>24</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236648>, Section 6, date accessed 22 September 2015.

<sup>25</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236648>, Section 6, date accessed 3 July 2015.

<sup>26</sup> MRT-RRT (Migration Review Tribunal & Refugee Review Tribunal), Australian Government, 'Country Advice Pakistan – PAK37665 – Punjab – Love marriages – Family violence – Protection orders – State protection – Political violence', 17 November 2010, available at: [http://www.ecoi.net/file\\_upload/1788\\_1336913515\\_pak37665.pdf](http://www.ecoi.net/file_upload/1788_1336913515_pak37665.pdf), date accessed 7 July 2015.

<sup>27</sup> Hong, Jack, 'Love marriages, women and rule of law in Pakistan', AHRC (Asian Human Rights Commission), Ethics in Action, Vol.3, No.5, October 2009 <http://www.ethicsinaction.asia/archive/2009-ethics-in-action/vol.-3-no.-5-october-2009/love-marriages-women-and-rule-of-law-in-pakistan>, date accessed 7 April 2015.

<sup>28</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236648>, Section 6, date accessed 3 July 2015.

<sup>29</sup> SPARC (Society for the Protection of the Rights of the Child), 'State of Pakistan's Children 2014', [webpage], n.d. <http://www.sparcpk.org/SOPC2014.html>, date accessed 7 July 2015.

and tribal areas.<sup>30</sup> According to the Society for the Protection of the Rights of the Child:

‘In many cases, girl children are selected for these marriages as a quick solution to end a dispute. These children are then mistreated in their new homes as an act of revenge for their family’s actions.’ According to the Madadgar National Helpline database, in 2013 alone 176 cases of Vani were reported from different parts of the country’.<sup>31</sup>

#### 6.3.3 The USSD Human Rights report for 2014 stated:

‘Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as “vani” or “swara”), the practice continued in Punjab and KP [Khyber Pakhtunkhwa]. In rural Sindh landowning families continued the practice of “marriage to the Quran,” forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Quran remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. These women were expected to stay in the home and not contact anyone outside their families.’<sup>32</sup>

#### 6.3.4 The International Federation for Human Rights reported that Christian and Hindu women and girls were being forcibly converted to Islam and married to Muslim men.<sup>33</sup> According to a discussion held by the South Asia Partnership Pakistan (SAP-PK) in Sindh, there were 265 reported cases of forced conversion in 2014, mostly involving Hindu girls.<sup>34</sup> The Movement for Solidarity and Peace (MSP), a “a non-partisan organization devoted to building advocacy, education and respect for human rights in Pakistan”, estimated that forced conversion and marriage affected around 1,000 Christian and Hindu women a year, and that some victims were subjected to sexual violence, rape, forced prostitution, human trafficking and sale, or other domestic abuse.

#### 6.3.5 The MSP described the pattern in the case of abducted Christian girls:

‘Cases for forced marriages and conversions can be distinguished by a specific pattern or process: Christian girls — usually between the ages of 12 and 25 — are abducted, converted to Islam, and married to the abductor or third party. The victim’s family usually files a First Information Report (FIR)

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<sup>30</sup> Asian Legal Resource Centre, ‘Pakistan: The violence against women is continue [sic] to be rampant in spite of progressive laws; A written submission to the UN Human Rights Council by the Asian Legal Resource Centre’, 4 June 2014 <http://www.alrc.net/doc/mainfile.php/hrc26/798/>, date accessed 7 July 2015.

<sup>31</sup> SPARC (Society for the Protection of the Rights of the Child), ‘State of Pakistan’s Children 2014’, [webpage], undated, <http://www.sparcpk.org/SOPC2014.html>, date accessed 7 July 2015.

<sup>32</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>33</sup> FIDH (International Federation for Human Rights), ‘Minorities under attack: Faith-based discrimination and violence in Pakistan’, March 2015 [https://www.fidh.org/IMG/pdf/20150224\\_pakistan\\_religious\\_minorities\\_report\\_en\\_web.pdf](https://www.fidh.org/IMG/pdf/20150224_pakistan_religious_minorities_report_en_web.pdf), date accessed 7 July 2015.

<sup>34</sup> Dawn, ‘265 cases of forced conversion reported last year, moot told’, 20 March 2015, <http://www.dawn.com/news/1170682/265-cases-of-forced-conversion-reported-last-year-moot-told>, date accessed 28 July 2015.

for abduction or rape with the local police station. The abductor, on behalf of the victim girl, files a counter FIR, accusing the Christian family of harassing the willfully converted and married girl, and for conspiring to convert the girl back to Christianity. Upon production in the courts or before the magistrate, the victim girl is asked to testify whether she converted and married of her own free will or if she was abducted. In most cases, the girl remains in custody of the abductor while judicial proceedings are carried out. Upon the girl's pronouncement that she willfully converted and consented to the marriage, the case is settled without relief for the family. Once in the custody of the abductor, the victim girl may be subjected to sexual violence, rape, forced prostitution, human trafficking and sale, or other domestic abuse.<sup>35</sup>

- 6.3.6 According to the Human Rights Commission of Pakistan 'Forced conversion of Hindus was a common complaint in Sindh. In most cases Hindu girls were abducted, forcibly converted to Islam and then married to Muslim men. The Secretary-General of the All Pakistan Hindu Panchayat stated that almost 1000 girls in Sindh were forcibly converted each year.'<sup>36</sup>

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## 6.4 Child marriage

- 6.4.1 A report by the Nation dated 6 June 2015 noted that: '<sup>37</sup>

'...despite widespread condemnation, the practice of child marriage is the most prevalent phenomenon in Pakistani society.

'...Approximately 37 percent of girls get married before reaching the age of 18 years and 70,000 girls aged between 15 and 19 die each year during pregnancy and child birth in Pakistan. The Institute for Social Justice's (ISJ) reported in 2012-13 that Pakistan's estimated population is 184.35 million and out of it 48 percent are children. A large portion of these children, especially girls, are married at the tender age of even 7 years old. In 2008-2009, 24228 children from the age group 10-14 were married and 1029784 children from the age group 15-19 were married. In 2012, 75 cases of child marriage were reported by various agencies; of these total cases, 43 percent children were between 11 and 13 years old and 32 percent belonged to the age group of 6 to 10 years of age. Almost half of the girls from 15 to 18 years of age were pregnant or had a baby to take care of.'<sup>37</sup>

- 6.4.2 Sahil, a Pakistani NGO working on child protection issues, reported in December 2014 that "40% of girls are married below the age of 18 and 13%

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<sup>35</sup> Movement for Solidarity and Peace, 'Forced Marriages & Forced Conversions In the Christian Community of Pakistan', April 2014, [https://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP\\_Report\\_-\\_Forced\\_Marriages\\_and\\_Conversions\\_of\\_Christian\\_Women\\_in\\_Pakistan.pdf?1396724215](https://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215), Executive summary, date accessed 28 July 2015.

<sup>36</sup> Human Rights Commission of Pakistan, 'State of Human Rights in 2014', March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 126, date accessed 22 September 2015

<sup>37</sup> The Nation, Child marriage is illegal – why is it still common in our country?, 6 June 2015, <http://nation.com.pk/blogs/06-Jun-2015/child-marriage-is-illegal-why-is-it-still-common-in-our-country>, date accessed 9 September 2015.

before reaching 15 years where as 7% boys are married before the age of 18 year.<sup>38</sup>

## 6.5 Single/unaccompanied women

- 6.5.1 According to a representative from the Human Rights Commission of Pakistan (HRCP) it was “next to impossible” for a single woman to live alone in Pakistan due to prejudices against women and economic dependence.<sup>39</sup> According to a Metropolitan State College of Denver Assistant Professor, most women in rural areas lived with their families and it was generally not socially acceptable for women to live alone. In some big cities such as Karachi, Lahore or Islamabad, (but not for example Peshawar or Quetta), if a woman is educated, higher class and working it was reported to be easier to live alone<sup>40</sup>, although this was still quite a rare occurrence.<sup>41</sup> Sources consulted by the Research Directorate of the Canadian Immigration and Refugee Board (IRB) described difficulties for single women renting property in urban areas, citing security concerns and social constraints. Divorcees faced stigmatization and social rejection.<sup>42</sup>
- 6.5.2 A study carried out by the International Labour Organization (ILO) concluded ‘In a patriarchal society like Pakistan, stereotypical societal norms are, in general, not favorable towards women who work and live alone in another city. House owners in general, are hesitant to rent out their property to women tenants who work and live independently and parents/families are reluctant to send their daughters to another city especially when decent and secure residential facilities are hard to find.’<sup>43</sup> The ILO also noted ‘The Government has set up a few working women's hostels but the demand for these far exceeds their supply. Anecdotal evidence indicates that working women prefer the secure residential facility of the government and avoid

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<sup>38</sup> Sahil, UN Convention on the Rights of the Child... 25 years later, October –December 2014, Situational Analysis of Child Rights Situation in Pakistan, <http://sahil.org/wp-content/uploads/2014/11/English-Oct-Dec-2014.pdf>, date accessed 23 September 2015

<sup>39</sup> Immigration and Refugee Board of Canada, ‘PAK104261.E, 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, available at:

<http://www.refworld.org/docid/51222ba42.html>, date accessed 6 July 2015.

<sup>40</sup> Immigration and Refugee Board of Canada, ‘PAK103608.E, 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, available at: <http://www.refworld.org/docid/4dd1015f17.html>, date accessed 6 July 2015.

<sup>41</sup> Immigration and Refugee Board of Canada, ‘PAK102656.E, Pakistan: Circumstances under which single women could live alone’, 4 December 2007, available at: <http://www.refworld.org/docid/4784deec.html>, date accessed 6 July 2015.

<sup>42</sup> Immigration and Refugee Board of Canada, ‘PAK103608.E, 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, available at: <http://www.refworld.org/docid/4dd1015f17.html>, date accessed 6 July 2015.

<sup>43</sup> International Labour Organization (ILO), Situation analysis of the residential facilities available for Pakistani working women at/near their workplace, ILO Country Office for Pakistan, Towards Gender Parity in Pakistan (TPG) Project, 2011, [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms\\_185227.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_185227.pdf), page 73, date accessed 7 December 2015.

approaching the private renters who charge exorbitant rents and are often unwilling to offer their facilities to women especially those who are single.’<sup>44</sup>

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## 7. Sexual and gender-based violence

See [Police attitudes and responses to violence against women](#) for further information on how gender-based violence is dealt with by the authorities.

### 7.1 Domestic violence and acid attacks

7.1.1 Domestic violence is defined as physical, sexual and economic abuse, stalking, harassment, verbal and emotional abuse.<sup>45</sup> The USSD Human Rights report for 2014 noted that domestic violence in Pakistan was widespread.<sup>46</sup> The Human Rights Commission of Pakistan noted that domestic violence was typically committed by husbands, fathers, brothers and in-laws<sup>47</sup>, which can sometimes result in the death of the woman. According to the USSD Human Rights report for 2014, domestic abuse included torture, physical disfigurement, and shaving the eyebrows and hair off women’s heads. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.<sup>48</sup> According to the Independent, acid attacks are also “commonplace” in cases related to “honour” in Pakistan.<sup>49</sup>

7.1.2 According to the Pakistan Demographic and Health Survey (PDHS) 2012-2013 ‘Domestic violence is an endemic problem in Pakistan and may be the most underreported form of violence against women residing in the country, with only 608 cases reported nationwide in 2009. The problem persists despite several laws designed to protect women from domestic violence’<sup>50</sup> (see [Legal Context](#)). However, the USSD Human Rights report for 2014 noted that ‘No specific federal law prohibits domestic violence.’<sup>51</sup> The UK

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<sup>44</sup> International Labour Organization (ILO), Situation analysis of the residential facilities available for Pakistani working women at/near their workplace, ILO Country Office for Pakistan, Towards Gender Parity in Pakistan (TPG) Project, 2011, [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms\\_185227.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-islamabad/documents/publication/wcms_185227.pdf), page 21, date accessed 7 December 2015.

<sup>45</sup> Dawn, Tackling domestic violence, 11 February 2014, <http://www.dawn.com/news/1086246>, date accessed 24 July 2015.

<sup>46</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>47</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2012’, March 2013, page 173, <http://hrccp-web.org/hrccpweb/wp-content/pdf/AR2012.pdf>, date accessed 6 February 2014

<sup>48</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, date accessed 3 July 2015.

<sup>49</sup> Immigration and Refugee Board of Canada: ‘PAK104257.E, Pakistan: Honour killings targeting men and women’, 15 January 2013, available at: [http://www.ecoi.net/local\\_link/237371/346401\\_en.html](http://www.ecoi.net/local_link/237371/346401_en.html), date accessed 07 July 2015.

<sup>50</sup> National Institute of Population Studies Pakistan and ICF International, ‘Pakistan Demographic and Health Survey 2012-13’, December 2013, <https://dhsprogram.com/pubs/pdf/FR290/FR290.pdf>, page 14, date accessed 7 July 2015.

<sup>51</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 22 September 2015.

Department for International Development (DfID) stated ‘Nine out of 10 women have experienced domestic violence, but only 4% of complaints received by the police are from women.’<sup>52</sup>

- 7.1.3 The PDHS found that ‘Overall, 39 percent of ever-married women age 15-49 report ever having experienced physical and/or emotional violence from their spouse, and 33 percent report having experienced it in the past 12 months’.<sup>53</sup> A study, published in 2013 by Rutgers WPF, a “centre of expertise on sexual and reproductive health and rights”, reported on the prevalence of domestic violence against women in Pakistan following a house-hold survey of 4,885 women in rural and urban districts of Balochistan, Punjab and Sindh. The study found that abuse was not limited to husbands, but by other family members as well, and noted:
- 7.1.4 ‘the prevalence of any form of domestic violence by intimate partners since marriage among 85% women while 82% suffered domestic violence during the last 12 months. Since marriage, 75% women were the victims of physical violence, 66% suffered sexual violence and 81% psychological violence. Similarly, during the past 12 months 74% women were the victims of physical violence, 58% suffered sexual violence and 72% psychological violence.... In the same manner, sexual violence after the age of 15 was reported by 25% women... Physical violence was also common during pregnancy with 47% women having been slapped, hit or beaten by their husbands.’<sup>54</sup> As rough comparisons, the Office of National Statistics reported that in 2013/14, 28.3% (4.6 million) of women in England and Wales had experienced some form of domestic abuse since age 16.<sup>55</sup> In India, the National Family Health Survey found that 39.7% of ever-married women had experienced some form of spousal violence at some point in their married lives (2005-06).<sup>56</sup>
- 7.1.5 From information gathered primarily from media sources, the Aurat Foundation, a women’s rights NGO in Pakistan, cited over 10,000 cases of violence against women (VAW) in 2014. The organisation stated that 6 women were kidnapped, 4 were raped, 3 committed suicide and 6 were murdered in Pakistan every day in the year 2014.<sup>57</sup> The same organisation

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<sup>52</sup> UK Department for International Development, Leading the way: first female prosecutor in Khyber Pakhtunkhwa fights for women’s rights, 28 November 2014, <https://www.gov.uk/government/case-studies/leading-the-way-first-female-prosecutor-in-khyber-pakhtunkhwa-fights-for-womens-rights>, date accessed 9 September 2015.

<sup>53</sup> National Institute of Population Studies Pakistan and ICF International, ‘Pakistan Demographic and Health Survey 2012-13’, December 2013, <https://dhsprogram.com/pubs/pdf/FR290/FR290.pdf>, page 14, date accessed 7 July 2015.

<sup>54</sup> Rutgers WPF, ‘Domestic Violence Against Women: Prevalence and Men’s Perception in PGRN Districts of Pakistan’, August 2013, <http://www.rutgerswfpak.org/content/pdfs/reports/DV-report.pdf>, page 5, date accessed 7 July 2015.

<sup>55</sup> Office for National Statistics, Chapter 4: Violent Crime and Sexual Offences - Intimate Personal Violence and Serious Sexual Assault, 12 February 2015, <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2013-14/rpt-chapter-4.html>, date accessed 9 September 2015.

<sup>56</sup> National Family Health Survey, India: NFHS-3 2005-06, September 2007, <https://dhsprogram.com/pubs/pdf/FRIND3/FRIND3-Vol1AndVol2.pdf>, page 508, date accessed 10 September 2015

<sup>57</sup> The News International, 6 women kidnapped, 4 raped every day in 2014, 10 February 2015, <http://www.thenews.com.pk/Todays-News-6-300850-6-women-kidnapped-4-raped-every-day-in-2014>,

found that there were 7,852 incidents of violence against women in 2013 compared to 7,516 in 2012.<sup>58</sup> The Aurat Foundation recorded 460 domestic violence cases in 2014<sup>59</sup>, and 498 in 2013, almost half the 989 cases recorded in 2012. For a full breakdown of statistics provided by the Aurat Foundation, see the table below.<sup>60</sup>

Table 1: Number & Percentage of Cases of VAW in Pakistan during 2008-2013

Categories of Crime	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Year 2013	Grand Total	Percentage increase/decrease in VAW cases between 2012 - 2013
Abduction/Kidnapping	1,784	1,987	2,236	2,089	1,607	2,026	11,729	26.07
Murder	1,422	1,384	1,436	1,575	1,745	1,425	8,987	-18.34
Domestic Violence	281	608	486	610	989	498	3,472	-49.65
Suicide	599	683	633	758	575	668	3,916	16.17
Honour Killing	475	604	557	705	432	487	3,260	12.73
Rape/Gang Rape	778	928	928	827	822	956	5,239	16.3
Sexual Assault	172	274	74	110	58	38	726	-34.48
Acid Throwing	29	53	32	44	83	43	284	-50.81
Burning	61	50	38	29	71	42	291	-40.85
Miscellaneous	1,970	1,977	1,580	1,792	1,134	1,669	10,122	47.18
Total	7,571	8,548	8,000	8,539	7,516	7,852	48,023	4.47

7.1.6 Reports of acid throwing also decreased from 83 in 2012 to 43 in 2013<sup>61</sup>, but rose to 64 in 2014.<sup>62</sup> As reported by the Human Rights Wing of the Ministry of Law, Justice and Human Rights, of the 7,372 human rights violation cases taken up in the year 2013/2014, 194 were domestic violence cases and 128 were acid attacks.<sup>63</sup> According to the HRCP 2014 report, despite criminalisation, acid attacks were rising; the HRCP database recorded 105 acid attacks in 2014 resulting in the deaths of seven women; 60 women died

date accessed 9 September 2015.

<sup>58</sup> Aurat Foundation, 'Annual Report 2013; Situation of Violence Against Women in Pakistan', <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202013.pdf>, page 03, date accessed 22 September 2015.

<sup>59</sup> The News International, 6 women kidnapped, 4 raped every day in 2014, 10 February 2015, <http://www.thenews.com.pk/Todays-News-6-300850-6-women-kidnapped-4-raped-every-day-in-2014>, date accessed 9 September 2015.

<sup>60</sup> Aurat Foundation, 'Annual Report 2013; Situation of Violence Against Women in Pakistan', <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202013.pdf>, page 5, date accessed 23 September 2015.

<sup>61</sup> Aurat Foundation, 'Annual Report 2013; Situation of Violence Against Women in Pakistan', <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202013.pdf>, page 5, date accessed 7 July 2015.

<sup>62</sup> The News International, 6 women kidnapped, 4 raped every day in 2014, 10 February 2015, <http://www.thenews.com.pk/Todays-News-6-300850-6-women-kidnapped-4-raped-every-day-in-2014>, date accessed 9 September 2015.

<sup>63</sup> Ministry of Law, Justice and Human Rights, Human Rights Wing, 'Data of human rights violation cases taken up by Human Rights Wing during the year 2013-14', <http://www.mohr.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTMwOjkwODAvbW9ocndlYi9mcm1EZXRhaWxzLmFzcHg%2Fb3B0PW1pc2NsaW5rcyZpZD00OQ%3D%3D>, date accessed 7 July 2015.

in other burning incidents.<sup>64</sup> The HRCP also cited that 232 women were attacked with acid or burned in 2014.<sup>65</sup>

- 7.1.7 The HCRP report also noted that between 2007 and 2014 the Acid Survivors Foundation (ASF), an NGO supporting acid attack victims, has recorded 1,090 incidents of acid attacks. 43 cases were recorded in 2009, 55 cases in 2010, 150 in 2011, 93 in 2012, 143 in 2013 and 161 cases were recorded from January-October 2014.<sup>66</sup>

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## 7.2 Rape

- 7.2.1 The USSD Human Rights report stated:

‘Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is death or life imprisonment, but sentences were often less severe. Although rape was frequent, prosecutions were rare. According to data presented by the Ministry of Interior to the Senate, there were no rape convictions in the country over the past five years. Spousal rape is not a crime.’<sup>67</sup>

- 7.2.2 The Human Rights Commission of Pakistan (HCRP) report stated that:

‘While a big number of sexual offence cases were filed in the lower judiciary, only a few were handed out conviction. Less than four percent of Pakistan’s rape cases result in a conviction, according to anti-rape campaigner War Against Rape. Rights activists say that rape goes largely unpunished because of police manipulation of cases and judges’ skepticism of survivors and so, ignoring drastic flaws in the investigation process, a lack of resources for forensics analysis, and confusion about rape laws.’<sup>68</sup>

- 7.2.3 In a paper submitted to CEDAW on behalf of War Against Rape and the Aurat Foundation, the authors noted:

‘A rape trial can go on from anywhere between one-and-a-half years to 10 years, possibly more if the aggrieved is able to go through with it. On average, a case can take about 3-4 years to conclude, which goes against the National Judicial Policy of the Supreme Court, 2009 ... the Police waste

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<sup>64</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2014’, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 218, date accessed 7 July 2015.

<sup>65</sup> International Crisis Group, ‘Women, Violence and Conflict in Pakistan’, 8 April 2015, [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/265-women-violence-and-conflict-in-pakistan.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/265-women-violence-and-conflict-in-pakistan.pdf), pages 6, date accessed 23 July 2015.

<sup>66</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2014’, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 218, date accessed 23 September 2015.

<sup>67</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236648>, Section 6, date accessed 3 July 2015.

<sup>68</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2014’, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 51, date accessed 23 September 2015.



tremendous amounts of time in so-called investigations and almost always fail to submit the charge-sheet within the 14-day period'.<sup>69</sup>

- 7.2.4 The Express Tribune reported on 9 November 2014 that State Minister for Interior Baleeghur Rehman noted that “a total of 14,583 rape cases have been registered in Pakistan during the last five years, the most of which were in Punjab — 12,795 — and only 949 cases of them led to convictions. While the number of cases registered increased with time, the conviction rates have fluctuated from 195 in 2009 to 136 in 2013’.<sup>70</sup>
- 7.2.5 The USSD Human Rights report noted that: ‘As in previous years, the government did not effectively enforce the Women’s Protection Act of 2006’ and that according to NGOs, police were sometimes implicated in rape cases. Rape statistics were unreliable at all levels due to severe underreporting and the lack on any central data collection system.<sup>71</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>72</sup> According to the NGO War Against Rape, ‘the disparity between the number of cases reported to police and the number of medical exams conducted in sexual assault cases reflected survivors’ unwillingness to engage in the justice system or their inability to lodge a complaint with the police.’<sup>73</sup>
- 7.2.6 Data provided by the Aurat Foundation indicated that in 2014, an average of 4 women were raped every day in Pakistan.<sup>74</sup> The HRCP estimated that a woman is raped every two hours, and gang raped every eight hours. According to newspaper reports monitored by the Human Rights Commission of Pakistan (HRCP), in 2014 ‘597 women and girls were gang-raped, 828 raped and 36 stripped in public in the country during the year.’ The HRCP also cited 2014 statistics by the Ministry of Interior, which included ‘326 gang-rape cases were reported in the country, including 263 in Punjab, 35 in Sindh, 11 in KP, and 17 in Islamabad. As many as 3,243 rape cases were reported – 2,734 in Punjab, 191 in Sindh, 133 in KP [Khyber Pakhtunkhwa], 19 in Balochistan, 162 in Islamabad, and four in GB [Gilgit

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<sup>69</sup> Zaman. S. and Zia.M., Women’s Access to Justice in Pakistan, Working Paper submitted to the Committee on Women’s Access to Justice, at the 54th CEDAW Session on behalf of War Against Rape & Aurat Foundation, Pakistan, undated, [http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessstoJustice/AuratFoundationAndWarAgainstRape\\_Pakistan.pdf](http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessstoJustice/AuratFoundationAndWarAgainstRape_Pakistan.pdf), page 8, date accessed 9 September 2015.

<sup>70</sup> Express Tribune, Seeking justice: Only one rape conviction in the last five years, 9 November 2014, <http://tribune.com.pk/story/787946/seeking-justice-only-one-rape-conviction-in-the-last-five-years/>, date accessed 23 September 2015

<sup>71</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>72</sup> International Crisis Group, ‘Reforming the judiciary in Pakistan, Asia Report No 160’, 16 October 2008, [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/160\\_reforming\\_the\\_judiciary\\_in\\_pakistan.pdf](http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/160_reforming_the_judiciary_in_pakistan.pdf), page 10, date accessed 9 July 2015.

<sup>73</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>74</sup> The News International, 6 women kidnapped, 4 raped every day in 2014, 10 February 2015, <http://www.thenews.com.pk/Todays-News-6-300850-6-women-kidnapped-4-raped-every-day-in-2014>, date accessed 9 September 2015.

Baltistan].<sup>75</sup> In its data of human rights violations taken up for 2013/14, the Human Rights Wing of the Ministry of Law, Justice and Human Rights, cited 275 cases of rape/gang rape.<sup>76</sup> Founder of the Madadgar National Helpline for women and children, Zia Awan, told the Inter Press Service news agency that ‘The number of rape cases reported in Pakistan is only a fraction of the actual number.’ Reasons for this included the impunity of rapists and to avoid humiliation and life-long stigma.<sup>77</sup>

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### 7.3 “Honour” crimes

7.3.1 The Criminal Law (Amendment) Act 2004, of the Pakistan Penal Code (PPC), includes the 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>78</sup> The Immigration and Refugee Board of Canada provided a brief description of the custom of [honour crimes](#), its motives and methods, and to whom it applies.

7.3.2 Honour crimes, which usually take place when a man claims that a woman brought dishonour to the family, include murder (honour killing), assault, acid throwing, confinement, imprisonment, interference with a choice of marriage, burning, and nose-cutting, were most common in rural areas of Pakistan although also occurred in urban areas. The majority of victims were women, though men were also affected.<sup>79</sup>

7.3.3 According to the USSD Human Rights report of 2014 ‘The practice of “karo-kari” or “siyah kari” – a premeditated honor killing that occurs if a family, community, tribal court, or jirga determines that adultery or some other “crime of honor” occurred – continued across the country.... The practice of cutting off a woman’s nose or ears, especially in connection with honor crimes, was frequently reported, but authorities often did not take action to combat the practice.’<sup>80</sup>

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<sup>75</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2014’, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCPP%20Annual%20Report%202014%20-%20English.pdf>, pages 51 and 214, date accessed 7 July 2015.

<sup>76</sup> Ministry of Law, Justice and Human Rights, Human Rights Wing, ‘Data of human rights violation cases taken up by Human Rights Wing during the year 2013-14’, <http://www.mohr.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTMwOjkwODAvbW9ocndlYi9mcm1EZXRhaWxzLmFzcHg%2Fb3B0PW1pc2NsaW5rcyZpZD00OQ%3D%3D>, date accessed 7 July 2015.

<sup>77</sup> Inter Press Service, ‘Raped, And Abandoned By Law’, 3 May 2014, [http://www.ipsnews.net/2014/05/raped-abandoned-law/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=raped-abandoned-law](http://www.ipsnews.net/2014/05/raped-abandoned-law/?utm_source=rss&utm_medium=rss&utm_campaign=raped-abandoned-law), date accessed 23 July 2015.

<sup>78</sup> Pakistan Penal Code (Act XLV 1860), 6 October 1860, <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, date accessed 6 July 2015.

<sup>79</sup> Immigration and Refugee Board of Canada, ‘Pakistan: Honour killings targeting men and women [PAK104257.E]’, 15 January 2013, accessed via [http://www.ecoi.net/local\\_link/237371/346401\\_en.html](http://www.ecoi.net/local_link/237371/346401_en.html), date accessed 7 July 2014.

<sup>80</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

- 7.3.4 According to the Aurat Foundation's 2012 report: 'While the recognition accorded in the law to the crime of murdering women on the pretext of family honour is appreciated it has to be pointed out that not only is the law flawed, it is rarely implemented.' It identifies a number of loopholes in the law which legal experts agree 'leave ample space for judicial gender biases to creep in, thus resulting in lenient sentences to murderers, protecting perpetrators from maximum penalties and facilitating compromises that allow perpetrators to get away with minimal or no penalty.'<sup>81</sup>
- 7.3.5 The Immigration and Refugee Board of Canada noted that sources indicated that enforcement of the law was inadequate and that an estimated 70 per cent of perpetrators went unpunished.<sup>82</sup> The Qisas and Diyat Ordinance allows for the provision of retribution or compensation (blood money), enabling the victim or the victim's heirs to negotiate physical or monetary restoration with the perpetrator in exchange for dropping charges. Article 311 of the PPC empowers the court to convict a person, even if such a compromise took place, although experts suggested this clause had been very rarely invoked.<sup>83</sup>
- 7.3.6 On 17 February 2014, Reuters reported that around 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>84</sup> The HRCP database recorded that '923 women and 82 minor girls fell victim to "honour" killings in 2014. The count included 21 deaths in Gilgit-Baltistan. The total number of victims of these crimes is usually higher as both men and women are targeted in such incidents. The predominant cause of these killings in 2014 was alleged illicit relations where both the boy and girl believed to be involved in the relationship were murdered as a result. Firearms were the most commonly used method of carrying out these killings.'<sup>85</sup> The Aurat Foundation stated that in 2014, Punjab reported 362 cases of honour killings compared to 212 in Sindh, 60 in Khyber Pakhtunkhwa and 77 in Balochistan. There were also 2 cases of honour killings reported in Islamabad.<sup>86</sup> In 2013/14, 463 cases of honour killing were

<sup>81</sup> Aurat Foundation, 'Pakistan NGO Alternative Report on CEDAW', 2012, <http://www.af.org.pk/Reports/NGO%20Alternative%20Report%20on%20CEDAW%202012.pdf>, page 96, date accessed 9 July 2015.

<sup>82</sup> Immigration and Refugee Board of Canada, 'Pakistan: Honour killings targeting men and women [PAK104257.E]', 15 January 2013, accessed via [http://www.ecoi.net/local\\_link/237371/346401\\_en.html](http://www.ecoi.net/local_link/237371/346401_en.html), date accessed 7 July 2014.

<sup>83</sup> Dawn, 'Pros and cons of Qisas and Diyat law', 16 September 2013, <http://www.dawn.com/news/1043236/pros-and-cons-of-qisas-and-diyat-law>, date accessed 7 July 2014.

<sup>84</sup> Reuters, 'Pakistani couple stoned to death for adultery; six arrested', 17 February 2014 <http://www.reuters.com/article/2014/02/17/us-pakistan-couple-stoned-idUSBREA1G18F20140217>, date accessed 9 July 2015.

<sup>85</sup> Human Rights Commission of Pakistan, 'State of Human Rights in 2014', March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 217, date accessed 7 July 2015.

<sup>86</sup> The News International, 6 women kidnapped, 4 raped every day in 2014, 10 February 2015, <http://www.thenews.com.pk/Todays-News-6-300850-6-women-kidnapped-4-raped-every-day-in-2014>, date accessed 9 September 2015.

taken up by the Human Rights Wing of the Ministry of Law, Justice and Human Rights.<sup>87</sup>

7.3.7 The UN High Commissioner for Human Rights Navi Pillay stated in May 2014 that:

‘According to the Human Rights Commission of Pakistan, 869 women were murdered in so-called ‘honour killings’ [in 2013] [...] but the real figure could be much higher, with many such killings believed to be disguised as accidents, or not reported at all.’ Furthermore the High Commissioner noted that ‘People who carry out “honour crimes” are rarely prosecuted, and even when they are, they often receive absurdly light sentences, considering they have committed pre-meditated murder. [...] This is unacceptable, and it is clearly both the State’s and the judiciary’s responsibility to work seriously to deter such crimes, and ensure that people who commit them are brought to justice.’<sup>88</sup>

7.3.8 The Asian Human Rights Commission reported in June 2014 that threats were also placed on human rights defenders. The report noted that the organization had ‘received information that the life of a lady lawyer and human rights defender is under threat for pursuing the murder case of two women who were killed in the name of honour’.<sup>89</sup>

See also [Love marriage](#)

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## 8. Adultery and extra-marital relations

8.1.1 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 Quran): stoning to death, or 100 lashes. The Hudood laws apply to both Muslims and non-Muslims, although the punishments differ.<sup>90</sup> The authorities have never carried out the penalty of death by stoning, partly due to the strict evidentiary requirements.<sup>91</sup> However, in many rural areas of Pakistan, jirgas, issue death sentences for couples or women deemed to have offended the conservative culture. Reuters reported in 2014 ‘Such

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<sup>87</sup> Ministry of Law, Justice and Human Rights, Human Rights Wing, ‘Data of human rights violation cases taken up by Human Rights Wing during the year 2013-14’, <http://www.mohr.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTMwOjkwODAvbW9ocndlYi9mcm1EZXRhaWxzLmFzcHg%2Fb3B0PW1pc2NsaW5rcyZpZD00OQ%3D%3D>, date accessed 7 July 2015.

<sup>88</sup> OHCHR - UN Office of the High Commissioner for Human Rights, Navi Pillay Urges Government Action After “Honour” Killing Of Pregnant Woman In Pakistan, 28 May 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14650&>, date accessed 23 September 2015

<sup>89</sup> Asian Human Rights Commission, Lawyer and rights activist threatened for pursuing the honor killing of two women, 9 June 2014, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-085-2014/?searchterm=>, date accessed 23 September 2015

<sup>90</sup> Offence of Zina (Enforcement of Hudood) Ordinance, 1979, 10 February 1979, available at: <http://www.refworld.org/docid/4db999952.html>, date accessed 9 July 2015.

<sup>91</sup> Freedom House, ‘Freedom in the World 2013 – Pakistan’, 10 June 2013, accessed via <http://www.refworld.org/docid/51b7359e16.html>, date accessed 6 February 2014

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>92</sup>

8.1.2 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 considered an offence to make false accusations of adultery and fornication.<sup>93</sup>

8.1.3 Honour killings are committed against men and women accused of sexual infidelity or indiscretion, where the killers, often male family members, seek to avenge the dishonour brought upon the family. A mere allegation of sexual misconduct is enough to perpetrate such an honour crime.<sup>94</sup>

See also “Honour” crimes

## 8.2 Children conceived or born outside of marriage

8.2.1 As sexual relations outside of marriage is strictly prohibited under the 1979 Hudood Ordinances<sup>95</sup>, having a child outside of marriage caused huge social stigma in Pakistan. Deutsche Welle noted in a report dated 21 April 2015 that, ‘In Pakistan, abortion is illegal, and so is adultery - creating a situation where hundreds of children born out of wedlock are secretly killed each year. Their bodies are, literally, thrown out with the garbage.’<sup>96</sup> Illegitimate children were referred to as “harami”, meaning “forbidden under Islam”.<sup>97</sup> They do not have rights of inheritance<sup>98</sup> and could not be registered with the National Database and Registration Authority – NADRA (except when abandoned or in the care of a registered orphanage) without providing the father’s name.<sup>99</sup> Not having an ID card caused difficulties in accessing vital

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<sup>92</sup> Reuters, ‘Pakistani couple stoned to death for adultery; six arrested’, 17 February 2014 <http://www.reuters.com/article/2014/02/17/us-pakistan-couple-stoned-idUSBREA1G18F20140217>, date accessed 9 July 2015.

<sup>93</sup> Protection of Women (Criminal Laws Amendment) Act 2006, available at: <http://unhcr.org/refworld/pdfid/4db992cd2.pdf>, date accessed 9 July 2015.

<sup>94</sup> Immigration and Refugee Board of Canada, ‘Pakistan: Honour killings targeting men and women [PAK104257.E]’, 15 January 2013, accessed via [http://www.ecoi.net/local\\_link/237371/346401\\_en.html](http://www.ecoi.net/local_link/237371/346401_en.html), date accessed 7 July 2015.

<sup>95</sup> Offence of Zina (Enforcement of Hudood) Ordinance, 1979, 10 February 1979, available at: <http://www.refworld.org/docid/4db999952.html>, date accessed 9 July 2015.

<sup>96</sup> Deutsche Welle, ‘Illegitimate newborns murdered and discarded’, 22 April 2014 <http://dw.de/p/1Bm6P>, date accessed 21 April 2015.

<sup>97</sup> Al Jazeera, ‘Infanticide is on the rise in Pakistan’, 14 January 2014, <http://america.aljazeera.com/articles/2014/1/14/infanticides-on-the-rise-in-pakistan.html>, date accessed 21 April 2015.

<sup>98</sup> Daily Times, ‘Illegitimate children in Pakistan’, 11 December 2014, <http://www.dailytimes.com.pk/opinion/11-Dec-2014/illegitimate-children-in-pakistan>, date accessed 21 April 2015.

<sup>99</sup> Khan and Piracha, advice provided to the British High Commission, Islamabad, 20 April 2015. (Khan and Piracha are a consultancy firm based in Islamabad).

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>100</sup>

### 8.3 Love marriage

- 8.3.1 According to Dr Shakira Hussein, a fellow at the Australian National University, arranged marriages with a partner from their own ethnic community is the traditional norm across Pakistan, regardless of social standing. Dr Hussein noted that: 'love marriages which transgress family expectations can result in considerable family pressure being brought to bear. Again, violence could be a part of such pressure. In instances where the male partner to the marriage was from an illregarded community or caste then he, as much as the female partner to the marriage, could likely find himself the subject of a violent reprisal....Multiple sources indicate that parties to love marriages have been subjected to significant pressures, threats, and violence from their families. The most extreme example of harm against parties entering into a love marriage is the act of honour killing.'<sup>101</sup>
- 8.3.2 According to the Asian Human Rights Commission, some families were moved to use violence in opposing 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 marry without family approval.<sup>102</sup> Women are legally free to marry without family consent, but women who did so were often ostracized or faced becoming the victims of "honour" crimes.<sup>103</sup> (See also Forced and arranged marriages).
- 8.3.3 According to the Australian Government Refugee Review Tribunal, there was no guarantee that the police would effectively intervene to protect a transgressing couple who were being threatened by family members and there were many examples of police aiding and abetting families seeking to punish or harm love marriage partners. There was also evidence of the justice system failing to protect love marriage partners. However, there have

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<sup>100</sup> Khan and Piracha, advice provided to the British High Commission, Islamabad, 20 April 2015. (Khan and Piracha are a consultancy firm based in Islamabad).

<sup>101</sup> Australian Government Refugee Review Tribunal (RRT), 'Country Advice Pakistan, PAK37665, 17 November 2010', available at: [http://www.ecoi.net/file\\_upload/1788\\_1336913515\\_pak37665.pdf](http://www.ecoi.net/file_upload/1788_1336913515_pak37665.pdf), page 1-2, date accessed 9 July 2015.

<sup>102</sup> Asian Human Rights Commission (AHRC) 'Love marriages, women and rule of law in Pakistan', Ethics in Action, Vol.3, No.5, October 2009, <http://www.ethicsinaction.asia/archive/2009-ethics-in-action/vol.-3-no.-5-october-2009/love-marriages-women-and-rule-of-law-in-pakistan>, date accessed 12 February 2014

<sup>103</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, date accessed 3 July 2015.

been some cases where higher courts have ruled in favour of an offending couple; however, cases can take years to reach this stage.<sup>104</sup>

#### 8.3.4 According to a paper published in the Duke Journal of Gender Law and Policy:

‘Many “love marriages” who disregarded their families’ wishes find themselves subject to harassment by the Pakistani police, who raid and search their homes, arrest them, and may even charge them with “pre”-marital sex—a severe offense under the infamous Zina Ordinance criminalizing adultery and fornication. The police may even go so far as to harass the husband’s family members to pressure him to divorce his wife.’<sup>105</sup>

#### 8.3.5 A BBC report dated 19 November 2014 reported that in May 2014, Farzana Parveen, who was pregnant, was stoned and beaten to death outside Lahore High Court for apparently marrying against her family’s wishes. In November, four people, including Ms Parveen’s father and brother, were found guilty of murder<sup>106</sup> and sentenced to death by an Anti-Terrorism court.<sup>107</sup>

See also [“Honour” crimes](#)

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## 9. Police attitudes and responses to violence against women

### 9.1.1 The USSD Human Rights report for 2014 stated that ‘Women who tried to report abuse faced serious challenges... Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Authorities usually returned abused women to their abusive family members.’ The same report also noted that ‘There were reports that police and security forces raped women. The government rarely took action against those responsible.’<sup>108</sup>

### 9.1.2 The Aurat Foundation concurred, stating ‘Disputes within marriage are largely seen as private matters by the police that are better resolved within the home... Repeat offenders [of domestic violence] are mostly admonished and counseled before the woman complainant is sent back home to/with

<sup>104</sup> Australian Government Refugee Review Tribunal (RRT), ‘Country Advice Pakistan, PAK37665, 17 November 2010’, available at: [http://www.ecoi.net/file\\_upload/1788\\_1336913515\\_pak37665.pdf](http://www.ecoi.net/file_upload/1788_1336913515_pak37665.pdf), page 4, date accessed 9 July 2015.

<sup>105</sup> Yefet, K. C., ‘What’s The Constitution Got To Do With It? Regulating Marriage In Pakistan’, Duke Journal of Gender Law and Policy, Volume 16, Issue 2, August 2009, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1166&context=djgplp>, date accessed 9 July 2015.

<sup>106</sup> BBC News, ‘Four sentenced to death for Pakistan “honour killing”’, 19 November 2014, <http://www.bbc.co.uk/news/world-asia-30113128>, date accessed 21 July 2015.

<sup>107</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2014’, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 218, date accessed 7 July 2015.

<sup>108</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

him.<sup>109</sup> The Aurat Foundation added that ‘Protection orders may be issued in rare cases where the accused has a prior criminal record or is considered particularly dangerous, after a woman gives an application in court that her safety is compromised. This is however, not common practice for most VAW [violence against women] cases.’<sup>110</sup>

9.1.3 In its 2013 annual report, the Aurat Foundation stated that:

‘Women’s access to justice in sexual violence cases is typified by underreporting as they often cannot disclose what has happened to them without inviting public scrutiny and shame onto themselves and their families. If they do find the courage, they are often disbelieved or reprimanded for being part, if not entirely responsible. The first point of access, the Police (though it should not be, given the importance of medical intervention at the initial stage), is usually apathetic and often turns the offense around by blaming the woman for inviting trouble onto herself.’<sup>111</sup>

9.1.4 In October 2014 the Aurat Foundation published a study on the implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011(AWP Act, 2011), undertaken in six districts across Pakistan with police and prosecution services. It found that most police officers and lawyers in the study were unaware of the existence of the AWP Act, 2011, adding ‘No trainings, orientations or briefing sessions have been held for law enforcement agencies by any government institution regarding the law, which severely limits their ability to apply it in relevant situations,’ and ‘Police officers have no means, resources or inclination to investigate matters involving domestic disturbance which may be caused by forced marriage or inheritance related violence... State response through policing, medico-legal and prosecution services carry a deep-seated bias against women whose agency is not considered important to marriage and property-related decisions’. The study further found:

‘The general perception concerning violence against women amongst all district police officers was that it happens in poor and illiterate families and that women themselves are often to blame. Every police officers interviewed reported domestic violence to be the most frequently reported form of VAW which was mostly perpetuated by the women of a household, including the mothers-in-law and the sisters-in-law, whereas sometimes the husband is

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<sup>109</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page 120, date accessed 23 July 2015.

<sup>110</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page 82, date accessed 23 July 2015.

<sup>111</sup> Aurat Foundation, Annual report 2013: Situation of Violence Against Women, 2013, 3.6 Rape/gang-rape- Top 10 Districts for Rape/Gang-rape from 2008-2013 p.17, <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202013.pdf>, date accessed 23 September 2015



solely to blame. The husband was seen as a “helpless” individual, torn between his family and the woman he has wedded.<sup>112</sup>

9.1.5 In regards to domestic violence, the Aurat Foundation study found that ‘Mediation was reported as the method of choice by Police officers to settle domestic disputes in Islamabad and Karachi, though some officers in Hyderabad, Peshawar also reported settling matters at the station. In most parts, this is being done to save women the shame and hassle of going through the courts, which is expensive and does not necessarily award justice even after many years of trial.’<sup>113</sup>

9.1.6 The Aurat Foundation study also found:

‘Women that took legal action reported that there was no privacy when they went to lodge an FIR [First Information Report] at the local police station, which was described as “scary” and “confusing”. In most cases, the FIR was lodged immediately, whereas in some cases it took 3 to 6 months. No woman reported being referred for legal or psychological counseling by the police whereas women described the court environment as “confusing”, “intimidating” and “unhelpful”... None of the women reported any safety planning measures on behalf of the police, even after they reported the extent of violence committed by their husband and/or in-laws. Of those who took legal action, however, most reported being moderately satisfied with the proceedings.’<sup>114</sup>

9.1.7 The USSD report noted, in regards to rape, that:

‘NGOs reported police were at times implicated in rape cases. NGOs also alleged police sometimes abused or threatened victims, demanding they drop charges, especially when police received bribes from suspected perpetrators or the perpetrators were influential community leaders. Some police demanded bribes from victims before registering rape charges, and investigations were sometimes superficial. While the use of post-rape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Extrajudicial resolutions to rape accusations were common, with a victim often forced to marry her attacker.’<sup>115</sup>

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<sup>112</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), pages 119 and xxv, date accessed 23 July 2015.

<sup>113</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page 42, date accessed 23 July 2015.

<sup>114</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page xxix, date accessed 23 July 2015.

<sup>115</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>,

- 9.1.8 The Inter Press Service reported in May 2014 that ‘Sources privy to rape investigations reveal that due to socio-cultural mores police usually try to put the blame on complainants and prove that rape victims are women of loose morals. Their perception is that a woman who has really been raped would not dare to report the crime out of shame and fear of public humiliation. If the victim has had any association with the alleged rapist or has been socially active or has a “modern” lifestyle, police tend to believe that her allegations are fabricated.’<sup>116</sup> Dawn News reported that according to lawyer Zainab Qureshi ‘Rape survivors are pressurized into withdrawing the complaint and not pursuing the matter further through intimidation or out of court settlements,’ and that often ‘the police and the prosecuting agencies facilitated these settlements.’<sup>117</sup>
- 9.1.9 Reporting on violence against women in Pakistan, the International Crisis Group (ICG) noted ‘While investigation and prosecution agencies are poorly equipped and trained to build strong criminal cases, judicial bias also sometimes leads to verdicts that penalise women.’ Citing an interview with a gender expert, the ICG reported them saying “‘While researching on knowledge, attitudes and practices on rape, I was shocked to hear a [lower court] judge in Punjab say that if it was a gang rape, it could be considered zina-bil-jaber (rape). But if there was only one aggressor, then it was zina (consensual extramarital sex)’”.<sup>118</sup>

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## 10. Assistance available to women

### 10.1 Women police stations and women police officers

#### 10.1.1 The USSD Human Rights report noted:

‘To address societal norms that disapprove of victims who report gender-based violence and abuse, the government established women’s police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. Men were also able to utilize these police stations. Women’s police stations struggled with understaffing and limited equipment. Training of female police and changing cultural assumptions of male police also remained challenges. Due to restrictions on women’s mobility and social pressures related to women’s public presence, utilization of women’s police centers was limited, but NGOs and officials reported that use was growing and more centers were needed.’<sup>119</sup>

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Section 6, date accessed 3 July 2015.

<sup>116</sup> Inter Press Service, ‘Raped, And Abandoned By Law’, 3 May 2014, [http://www.ipsnews.net/2014/05/raped-abandoned-law/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=raped-abandoned-law](http://www.ipsnews.net/2014/05/raped-abandoned-law/?utm_source=rss&utm_medium=rss&utm_campaign=raped-abandoned-law), date accessed 23 July 2015.

<sup>117</sup> Dawn, ‘State of neglect: Closed eyes to sexual assault’, 26 October 2014, <http://www.dawn.com/news/1140065>, date accessed 23 July 2015.

<sup>118</sup> International Crisis Group, ‘Women, Violence and Conflict in Pakistan’, 8 April 2015, [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/265-women-violence-and-conflict-in-pakistan.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/265-women-violence-and-conflict-in-pakistan.pdf), pages 6-7, date accessed 23 July 2015.

<sup>119</sup> US Department of State, ‘Country Report on Human Rights Practices 2014, Pakistan’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236648>, Section 6, date accessed 3 July 2015.

#### 10.1.2 The HRCP reported that in September 2014:

'[The] Sindh government announced that it intended to establish women police stations in Thatta, Umerkot, Sanghar, Nawabshah and Khairpur districts. Directives were also issued to set up counters of the Women Development Department in newly established women police stations in Karachi. To further strengthen gender responsive policing, it was also announced that 2000 new women police officers would be recruited in Sindh. For the first time in Sindh three female SHOs were granted charge of entire police stations – two were given charge in April and one in August 2014. Earlier in February, US State Department's Bureau of International Narcotics and Law Enforcement Affairs gifted buses for female police officers in Karachi. In April 2014, KP [Khyber Pakhtunkhwa] government announced the establishment of women desks in all 500 police stations of the province. It said the KP Police Department was developing a plan to increase women's strength in the police force.'<sup>120</sup> In contrast, the Aurat Foundation in its 2014 report stated 'Despite the presence of some 500 police stations in KPK, not a single station reportedly has a woman's desk.'<sup>121</sup>

#### 10.1.3 The same 2014 Aurat Foundation report noted that:

'In terms of structural support such as police, the study found that in District Karachi, Islamabad, Hyderabad and Peshawar where there are dedicated women police stations, only cases where both the accused and victim[s] are women may be referred to women officers for complaint registration and investigation, whereas district Mardan and Swat do not have a separate police station for handling women's cases. Women were found being forced to deal with male officers in Swat and Mardan [also Malakand and Swabi by extension], even though it is considered culturally inappropriate for women to converse and have dealings with men outside the family... Karachi district was found to have the largest number of women's police stations and complaint cells for women, even though only one of the stations is fully functional.'<sup>122</sup>

#### 10.1.4 The study went on to say that:

'According to [German development agency] GIZ Pakistan, women officers across Sindh constitute about 0.82% of the entire police force for the province, whereas in KPK, women police officers' ratio was 0.62%. In Islamabad, this ratio was 1.36% compared to male officers. In Islamabad, according to a policy passed between 2011-12, one female police officer is

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<sup>120</sup> Human Rights Commission of Pakistan, 'State of Human Rights in 2014', March 2015, <http://hrcp-web.org/hrpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, page 212, date accessed 7 July 2015.

<sup>121</sup> Zaman, S., 'Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011', October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page xxiv, date accessed 23 July 2015.

<sup>122</sup> Zaman, S., 'Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011', October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page xxiv, date accessed 23 July 2015.

posted at the reception desk in all male police stations to guide women that approach with a complaint. They are, however, not part of the complaint registration or investigation sections and serving merely as female faces to women victims.<sup>123</sup> GIZ told the Inter Press Service that ‘a large number of policewomen have been trained under the [Gender Responsive Policing] programme to understand cases of violence against women. Under the programme... Ladies Complaint Units (LCUs) are being set up at police stations where women officers attend to women’s complainants in an environment that is free of harassment and fear.’<sup>124</sup>

10.1.5 The Aurat Foundation in its 2014 report noted that:

‘The women’s police station in Peshawar is situated near the Police Head Quarters and because of high security detailing in the area, women do not have easy access to its premises. Police officers report that because this station is also situated in a congested part of town, it is difficult for women to avoid prying eyes when they come to lodge complaints. This keeps a substantial number of women from initiating any engagement with the law.’<sup>125</sup>

10.1.6 In January 2013, the Immigration and Refugee Board of Canada provided information on women police stations in the provinces. Sources differed on the number of women police stations in Pakistan, ranging from nine to 19. Women police stations were considered “not very effective”, too few and therefore difficult to access, and under resourced with insufficiently trained staff and that most women’s police stations do not register First Information Reports (FIRs).<sup>126</sup>

10.1.7 By the end of 2014, a 24-hour helpline service was introduced in some cities for women in distress to call and lodge complaints with women police operators.<sup>127</sup>

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<sup>123</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page xxiv, date accessed 23 July 2015.

<sup>124</sup> Inter Press Service, ‘Raped, And Abandoned By Law’, 3 May 2014, [http://www.ipsnews.net/2014/05/raped-abandoned-law/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=raped-abandoned-law](http://www.ipsnews.net/2014/05/raped-abandoned-law/?utm_source=rss&utm_medium=rss&utm_campaign=raped-abandoned-law), date accessed 23 July 2015.

<sup>125</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), page xxiv, date accessed 23 July 2015.

<sup>126</sup> Immigration and Refugee Board of Canada, ‘Pakistan: Domestic violence, including effectiveness of the Protection of Women (Criminal Laws Amendment) Act, 2006; state protection and services available to victims’, 14 January 2013, PAK104261.E, available at: <http://www.refworld.org/docid/51222ba42.html>, date accessed 24 July 2015.

<sup>127</sup> Human Rights Commission of Pakistan, ‘State of Human Rights in 2014’, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCPP%20Annual%20Report%202014%20-%20English.pdf>, page 212, date accessed 7 July 2015.

## 10.2 Women's shelters

- 10.2.1 The Aurat Foundation in its annual report for 2013 noted that 'There are very few shelter homes against the number of women seeking refuge. Going to a shelter home is still considered taboo and perceived as the last resort of women who have been turned away by respectable society'.<sup>128</sup>
- 10.2.2 The USSD Human Rights report for 2014 stated:  
'The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed Benazir Bhutto centers for women across the country provided women with legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims later were referred to a "darul aman," or shelter house, and approximately 200 such homes for abused women and children had been established with funds from the Provincial Women Development Department. These shelter homes provided shelter and access to medical treatment. According to NGOs the shelters did not offer other types of assistance to women, such as legal aid or counseling, and primarily served as half-way homes for women awaiting trial for zina (i.e., adultery), even though they were the victims of rape and domestic abuse. Government centers lacked sufficient space, staff, and resources. In some cases women were reportedly abused at the government-run shelters and found their movements severely restricted, or they were pressured to return to their abusers.'<sup>129</sup>
- 10.2.3 The Aurat Foundation reported in 2012 that these same Shaheed Benazir Bhutto Crisis Centres 'can only provide shelter to women for a period of 24-72 hours. For longer-term accommodation, they are either sent to the Islamabad Women's Crisis Centre, or to the provincial governments-operated Dar ul Aman shelter homes, or encouraged to negotiate an agreement. They may also be transferred to other shelters depending upon the nature of the case.' The report identified a number of challenges facing these shelters as with all other institutions including a shortage of staff, particularly of properly trained staff, an increase in the demand for services but not enough resources are available, and the centres are open only for certain hours of the day, which meant that they are not available for emergency situations, or for women seeking shelter after closing hours.<sup>130</sup>
- 10.2.4 In a 2014 report, the Aurat Foundation listed the number of functional and on record shelter homes for women in the districts selected. Seven shelters were functioning in Karachi district; one in Hyderabad; four in Peshawar; one

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<sup>128</sup> Aurat Foundation, Annual report 2013: Situation of Violence Against Women, 2013, 3.6 Rape/gang-rape- Top 10 Districts for Rape/Gang-rape from 2008-2013, <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202013.pdf>, p.17, date accessed 23 September 2015.

<sup>129</sup> US Department of State, 'Country Report on Human Rights Practices 2014, Pakistan', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648>, Section 6, date accessed 3 July 2015.

<sup>130</sup> Aurat Foundation, 'Pakistan NGO Alternative Report on CEDAW', 2012, <http://www.af.org.pk/Reports/NGO%20Alternative%20Report%20on%20CEDAW%202012.pdf>, page 103, date accessed 9 July 2015.

in Islamabad; and one in Mardan district. No shelters were cited for Swat. Shelter services in Peshawar and Mardan were considered “highly insufficient and unreliable”.<sup>131</sup> Dawn reported in September 2014 that, according to a consultative meeting ‘Darul Amans in Sindh were plagued by lack of skilled staff, poor infrastructure and security issues.’<sup>132</sup> Reporting on the passing of the Domestic Violence (Prevention and Protection) Bill, 2014, in Balochistan, Dawn stated ‘in Balochistan there is only one functioning women’s shelter in Quetta which, in the words of a provincial legislator, “is more of a criminal concern rather than any shelter. We wouldn’t want any woman to go there; she’ll come out with her reputation in tatters”. The condition of most women’s shelters, if not all, in the country is reportedly not much better.’<sup>133</sup> According to a South Asia Partnership Pakistan report cited in the Express Tribune, ‘many shelter homes lacked basic health facilities. “Offices of physiologists and doctors at many of the shelter homes are vacant”’.<sup>134</sup>

10.2.5 According to representatives of the NGO Shirkat Gah and HCRP, privately run shelters (by NGOs) were said to be better than government-run shelters with reports stating that government-run shelters were too few, should hold women for longer durations, and that they were overcrowded with poor facilities and inadequately trained staff. There were also reports of abuse taking place at shelters. Some shelters, both state and NGO-run, tried to reconcile women with their families, due to the difficulties of single women living alone in Pakistan society. Sources provided information on two NGO-run shelters, one in Lahore; Dastak, and one in Karachi; Panah. According to ‘Cause of Death: Woman, an investigative project of the Swedish Association of Women's Shelters and Young Women's Empowerment Centres’, which examined the situation of violence against women in 10 countries between 2010 and 2012, Dastak accommodates 25 women and 45 children, but at times has housed 70 women and their children, as “no one is turned away”. The same source also reported that most women stay at Dastak for at least three months, although some have stayed for several years. The organisation Shirkat Gah reported that Panah houses 40-45 women and children.<sup>135</sup>

10.2.6 A September 2014 World Bank report on violence against women in South Asia reports that:

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<sup>131</sup> Zaman, S., ‘Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011’, October 2014, Aurat Foundation and Information Service Foundation, [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf), pages 29 and 59, date accessed 23 July 2015.

<sup>132</sup> Dawn, Shelter homes plagued by poor infrastructure, security issues, moot told, 4 September 2014, <http://www.dawn.com/news/1129666>, date accessed 24 July 2015.

<sup>133</sup> Dawn, Tackling domestic violence, 11 February 2014, <http://www.dawn.com/news/1086246>, date accessed 24 July 2015.

<sup>134</sup> The Express Tribune, ‘More funds be given to shelter homes’, 31 January 2015, <http://tribune.com.pk/story/830465/more-funds-be-given-to-shelter-homes/>, date accessed 24 July 2015.

<sup>135</sup> Immigration and Refugee Board of Canada, ‘Pakistan: Domestic violence, including effectiveness of the Protection of Women (Criminal Laws Amendment) Act, 2006; state protection and services available to victims’, 14 January 2013, PAK104261.E, available at: <http://www.refworld.org/docid/51222ba42.html>, date accessed 24 July 2015.

'Women 'rescued' from honor crimes also suffer abuse when remanded to safe houses where conditions are abysmal and akin to a prison. Moreover, reintegration into family and society of women who have been in custody is made even harder if women are sexually abused, as they are then regarded as 'dishonored' or 'spoiled,' bringing shame to their families'.<sup>136</sup>

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<sup>136</sup> World Bank, Violence against Women and Girls: Lessons from South Asia, 16 September 2014, BOX 2.5 Acid Attacks on Women and Girls in South Asia, <https://openknowledge.worldbank.org/bitstream/handle/10986/20153/9781464801716.pdf?sequence=1>, p.56, date accessed 23 September 2015

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- Version 2.0
- valid from **7 December 2015**
- this version approved by **Sally Weston, Head of Legal Strategy Team, International and Immigration Policy Directorate**
- approved on: **30 November 2015**

## Changes from last version of this guidance

Update of country information and guidance.

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