



Country Information and Guidance

Pakistan: Women

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Pakistan as well as country of origin information (COI) about Pakistan. 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.

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

Country Information

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

Feedback

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

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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

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1. Guidance

Updated 14 July 2014

1.1. Basis of claim

1.1.1 Fear of gender-based persecution (where the type of harm is related to their gender).

1.2. Summary of issues

- Do women in Pakistan form a particular social group (PSG)?
- Are women in Pakistan at risk of gender-based persecution?
- Is there effective protection?
- Is a woman able to internally relocate within Pakistan to escape that risk?

1.3. Consideration of issues:

Do women in Pakistan form a particular social group (PSG)?

1.3.1 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 Asylum Instructions on [Considering the asylum claim and assessing credibility](#); [Internal Relocation](#); and [Gender Issues in the Asylum Claim](#)

See country information on [Women](#)

See [Caselaw](#)

Are women in Pakistan at risk of gender-based persecution?

1.3.2 There have been a number of legislative measures undertaken to improve the situation of women in Pakistan in recent years. However, Pakistan remains a heavily patriarchal society and levels of violence continue to be high including rape, “honour” crimes and killings, acid attacks, dowry disputes, kidnappings, domestic violence and forced marriages.

See Pakistan: Country Information and Guidance [Actors of protection](#) – Rule of law and the judiciary

Is there effective protection?

1.3.3 In the reported case of [AW](#) (sufficiency of protection) Pakistan [2011] UKUT 31 (IAC) (26 January 2011) (para 34-35) (a male applicant who claimed asylum because of his fear of the MQM), the Upper Tribunal found that there is ‘systemic sufficiency of state protection’ in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

See Pakistan: Country Information and Guidance [Actors of protection](#)
See [Caselaw](#)

See country information – [Assistance available to women](#)

1.3.4 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of sufficient protection) is likely to be repeated.

Women victims of domestic violence

1.3.5 Women who experience domestic violence are in general able to seek effective protection from the authorities. In the country guidance case of KA & others (July 2010), the Upper Tribunal found 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.

Women who have reported being raped

1.3.6 The Protection of Women (Criminal Laws Amendment) Act 2006 has introduced significant changes to the consideration of rape cases in the courts and demonstrates the will of the authorities to address the problem. Some police have, however, reportedly been implicated in rape cases in some instances, especially with regard to the treatment of the victim.

Women who fear becoming the victim of an 'honour crime'

1.3.7 In the country guidance case of KA & others (July 2010), the courts 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 the Khyber Pakhtunkhwa and is unlikely to impact on married women. However more recent country of origin information indicates that the risk of honour killing in Pakistan is *not* restricted geographically or otherwise.

1.3.8 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. 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

See country information on [Women](#)

See [Caselaw](#)

See country information – [Assistance available to women](#)

See Pakistan: Country Information and Guidance [Actors of protection](#)

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

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honour crimes and security breaches have been reported in shelters and courts, resulting in the deaths of women.

Women accused of committing adultery

1.3.9 In the country guidance case of [KA & others](#) (July 2010), 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.

See Pakistan: Country Information and Guidance [Actors of protection](#)

See [Caselaw](#)

1.3.10 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.

See country information – [Assistance available to women](#)

1.3.11 As noted in the country guidance case of [KA & others](#) (July 2010), in general women 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.

See [Caselaw](#)

1.3.12 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. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was. If the person did not seek the protection of the authorities, decision makers must assess why. In such cases, a person may be able to establish a well-founded fear of seeking protection from the authorities. Honour killings are committed against men and women accused of adultery (see Women who fear becoming the victim of an 'honour crime').

See Pakistan: Country Information and Guidance [Actors of protection](#)

See country information – [Assistance available to women](#)

Is a woman able to internally relocate within Pakistan to escape that risk?

1.3.13 Decision makers must refer to the more general guidance in the module on 'Internal Relocation' and the caselaw [SN & HM \(Divorced women– risk on return\) Pakistan](#) (25 May 2004)

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

1.3.14 However, taking into account the general position of women in Pakistani society where they:

See [Caselaw](#)

- face patriarchal attitudes and deep-rooted stereotypes;
- may not be educated or even literate;

- may have to depend on relatives for economic support; and
- face safety issues and social constraints in living alone, then internal relocation is likely to be unduly harsh for many women.

1.3.15 Factors such as the 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 of the person should be considered when determining whether relocation is an option. Educated and professional women may find it possible to support themselves in alternative locations.

1.3.16 In assessing whether women who are fleeing a risk of serious domestic violence have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres.

Policy summary

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.

Effective state protection is, in general, unlikely to be available for women fearing gender based violence. However, each case needs to be carefully considered on its facts.

Internal relocation to avoid risk from gender based violence may be viable in some limited cases.

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.**

A woman who demonstrates a real risk or reasonable likelihood of continuing ill-treatment on return to Pakistan on account of another reason outlined in this module, 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.

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.

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2. Information

Updated 8 May 2014

2.1.1 The status of women in Pakistan may differ 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. ¹ Patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities discriminate against them and maintain their subordination within the family and society. ²

2.2. Violence and discrimination against women

2.2.1 In its annual report covering 2013, Human Rights Watch states that despite the law prohibiting discrimination on the basis of sex, women continued to face discrimination in family and property law, and in the judicial system. ³ Violence against women and girls remained a serious problem in Pakistan and included rape, "honour" killings, acid attacks, domestic violence, and forced marriage. ⁴ In its March 2013 report, CEDAW noted that violence against women and girls escalated in the Federally Administered Tribal Areas (FATA), Khyber Pakhtunkwa and Balochistan due to threats and attacks by non-state actors, and counter-operations by the military. ⁵

2.2.2 In its 'Concluding observations on the fourth periodic report of Pakistan', dated 1 March 2013, the UN Committee on the Elimination of Discrimination against Women expressed serious concern at:

'...the persistence, amongst others, of child and forced marriages, Karo-Kari, stove burning and acid throwing, marriage to the Quran, polygamy and honour killing. It is concerned that in spite of the provisions in the Criminal Law (Amendment) Act 2004, which criminalize offenses in the name of so-called honour, the Qisas and Diyat Ordinances continue to be applied in these cases hence resulting in perpetrators being given legal concessions and/or being pardoned and not being prosecuted and punished. It expresses its concern at the high prevalence of domestic violence and marital rape and at the absence of clear legislation criminalizing such acts.'⁶

¹ Human Rights Commission of Pakistan, State of Human Rights in 2011, March 2012, page 155, <http://hrcp-web.org/publication/book/annual-report-2011-english/>, date accessed 7 February 2014

² 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), 1 March 2013, paragraph 21,

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.PAK.CO.4.doc>, date accessed 6 February 2014

³ U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6,

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

⁴ Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Women and girls, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

⁵ 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), 1 March 2013, paragraph 13,

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.PAK.CO.4.doc>, date accessed 6 February 2014

⁶ United Nations, <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>, Committee on the Elimination of Discrimination against Women Concluding observations on the fourth periodic report of Pakistan adopted by the

2.2.3 The Foreign and Commonwealth Office reported:

‘During the International Day for the Elimination of Violence Against Women, observed every year on 25 November, civil society organisations expressed concern at the increasing violence against women in Pakistani society. In the largest province, Punjab, according to a non-official count, 5,151 women have been subjected to violence in 2013, 774 murdered, 217 killed for “honour”, 1,569 abducted, 706 raped and 427 driven to suicide. In a report submitted to parliament by the Ministry of Law, Justice and Human Rights for the period January 2012 to September 2013, there were 860 “honour” killings, 481 incidents of domestic violence, 90 cases of acid burning, 344 cases of rape and 268 incidents of sexual assault.’⁷

See [Assistance available to women](#), and [Pakistan: Country Information and Guidance Actors of protection – Effectiveness, and Rule of law and the judiciary](#).

Police attitudes and responses to violence against women

2.2.4 A 2012 report published by the Asia Society, on police reform in Pakistan, stated that:

‘Women in Pakistan are disproportionately exposed to injustice when seeking help from law enforcement agencies, particularly at local police stations, both rural and urban. Because of the prevailing patriarchal and misogynistic culture in Pakistan women are victims of violence in both the private (domestic abuse) and public spheres (abuse in state agencies, in the workplace, and in educational institutions)... Women face a form of violence in their interactions with law enforcement agencies as complainants. This “structural violence” manifests itself in the form of insensitivity within the justice system toward female complainants, negligence in responding, delay in action, and outright refusal to recognize the occurrence of violence. The behavior of the police toward women in Pakistan reflects the general attitude of Pakistani society as a whole, which is intent on denying the existence of violence and sending women back to their homes in the custody of a male guardian. If a woman seeks justice, she first has to register a case – through as a First Information Report (FIR) – with the police. Even before doing so, she is immediately viewed as suspect, as it is generally believed that no decent woman would venture into a police station. If the case involves a family member, the police will brush it aside as a private matter to be resolved at home. Bribery, extortion, and coercion are all used to discourage or falsify registration.’⁸

2.2.5 According to the Asian Human Rights Commission, ‘Negative societal attitudes towards women and girls often lead to the blame and the stigmatization of the victim rather than to their understanding and support. Victims are often judged as being the “false accuser”. As a result, lodging complaints is discouraged and impunity is wide spread.’⁹ Women make up 0.86% of the total police force in Pakistan and few of them held high level positions. In Lahore where there were 80 police stations in all, not a single policewoman

Committee at its fifty fourth session (11 February – 1 March 2013), 1 March 2013, paragraph 21, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.PAK.CO.4.doc>, date accessed 4 March 2014

⁷ Foreign and Commonwealth Office, Human Rights and Democracy 2012, Countries of Concern updates: Pakistan, Update 30 September 2013, <https://www.gov.uk/government/news/human-rights-and-democracy-report-2012-pakistan--2> date accessed 16 January 2014

⁸ Asia Society <http://asiasociety.org/>, Report by the Independent Commission on Pakistan Police Reform’, ‘Stabilizing Pakistan through Police Reform’, July 2012, page 88, http://asiasociety.org/files/pdf/as_pakistan_police_reform.pdf, date accessed 7 February 2014

⁹ Asian Human Rights Commission, The State of Human Rights in Pakistan 2012, December 2012, page 81

was head of a police station.¹⁰ There were only three women police stations in Punjab province. Furthermore, female police officers were rarely visible on the streets.¹¹

2.2.6 The Aurat Foundation reports that only 55% of the 7,516 the FIRs of violence against women cases in 2012 have been registered with police. FIRs of 977 cases i.e. 13% remained unregistered while there was no information about the FIR status of the remaining 2,404, i.e. 32% cases.¹² The Human Rights Commission of Pakistan reported that the need for the establishment of women's shelters continued to be neglected, as did police reporting and investigation systems on account of lack of trained personnel.¹³ Women's rights activist Farzana Bari stated that those who committed crimes against women generally enjoyed strong connections in society and were more powerful and resourceful than the victims. In many cases, the victim's family came under pressure and opted for an out-of-court settlement.¹⁴

2.2.7 Reporting on state protection available to women who have experienced domestic violence, the Immigration and Refugee Board of Canada notes that 'A South Asia researcher at Human Rights Watch expressed the view in January 2010 that, for victims of domestic violence, there was "no protection from the government". According to a 2012 human rights report by the AHRC, although many laws related to women's rights have been passed by Parliament, there have been "no significant changes" in the status of women in Pakistan. The Secretary General of WEWA [Women Employees Welfare Association] stated that domestic violence being viewed as an internal matter provides protection for perpetrators. Other sources speak similarly of impunity for perpetrators of violence against women.' Sources report that police officers have raped women, including during interrogations and in custody.¹⁵

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Domestic violence and acid attacks

2.2.8 The National Assembly failed to enact the Domestic Violence (Prevention and Protection) Bill in 2013¹⁶, although according to The Express Tribune, the Bill was passed at a provincial level in Sindh, in March 2013.¹⁷

2.2.9 Domestic violence was widespread¹⁸ and was typically committed by husbands, fathers, brothers and in-laws,¹⁹ sometimes resulting in the death of the woman. Domestic abuse

¹⁰ Human Rights Commission of Pakistan, *State of Human Rights in 2012*, March 2013, page 169

¹¹ Human Rights Commission of Pakistan, *State of Human Rights in 2013*, March 2014, page 176

¹² Aurat Foundation, *Annual report – Violence against women in Pakistan: A qualitative review of reported incidents*, January to December 2012, page xxi

¹³ Human Rights Commission of Pakistan, *State of Human Rights in 2012*, March 2013, page 162

¹⁴ U.S. Department of State, *Country Report on Human Rights Practices 2013: Pakistan*, 27 February 2014, section 6

¹⁵ 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

¹⁶ Human Rights Watch (HRW), *World Report 2014 – Pakistan*, 21 January 2014, Women and girls, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

¹⁷ The Express Tribune, *Celebrating milestones: With the domestic violence act, the hurly-burly's done, but the battle hasn't been won*, 1 April 2013, <http://tribune.com.pk/story/529300/celebrating-milestones-with-the-domestic-violence-act-the-hurly-burlys-done-but-the-battle-hasnt-been-won/>, date accessed 6 February 2014

¹⁸ U.S. Department of State, *Country Report on Human Rights Practices for 2013: Pakistan*, 27 February 2014, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads.²⁰ According to the Independent, acid attacks are also "commonplace" in cases related to "honour" in Pakistan.²¹ Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.²²

2.2.10 According to a report by Pakistan's Ministry of Law, Justice and Human Rights, from 1 January 2012 to 15 January 2013, there were 860 'honour' killings (mostly women), 481 reported incidents of domestic violence, 90 cases of acid burning, 344 cases of rape/gang rape, and 268 incidents of sexual assault/harassment. Unofficial figures for 2013 reported 5,151 cases of violence against women (VAW) in Punjab alone.²³ The Aurat Foundation recorded 7,516 cases of VAW across Pakistan in 2012.²⁴ The Aurat foundation's data showed that the major categories of VAW prevalent in Pakistan included: murder, kidnapping, rape/ gang rape. 'Honour' killing and suicide remained the major categories of VAW in 2012. A total of 1,745 murders, 1,607 cases of abduction, 1,134 miscellaneous forms of the VAW, 989 cases of domestic violence, 822 cases of rape/gang rape, 575 incidents of suicide and 432 cases of 'honour' killings were reported. From these cases nearly 63% cases were reported from Punjab. Sindh had the second highest instance of reported VAW cases with a total 1,628 cases which form 22% of the total cases reported in Pakistan. 674 cases were reported from Khyber Pukhtunkhwa (KP) and FATA. Islamabad was noted for 281 cases of VAW, which is a very high number considering the region has a very small ratio of population as compared to the other regions. Balochistan had a total of 167 reported cases.²⁵ Figures released by civil society organisations do not offer a complete picture as a large number of cases are still not reported.²⁶

2.2.11 The USSD Report 2013 stated:

'Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Authorities usually returned abused women to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse due to fear of dishonoring the family.'²⁷ According to a

¹⁹ Human Rights Commission of Pakistan <http://hrccp-web.org/>, 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

²⁰ U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

²¹ Immigration and Refugee Board of Canada, Pakistan: Honour killings targeting men and women [PAK104257.E], 15 January 2013

²² U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section 6

²³ Dawn, Violence against women, 5 December 2013, <http://www.dawn.com/news/1060643/violence-against-women>, date accessed 5 March 2014

²⁴ Aurat Foundation <http://www.af.org.pk/index.php>, Annual report – Violence against women in Pakistan: A qualitative review of reported incidents, January to December 2012, page 3, <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202012%20VAW%20pdf.pdf>, date accessed 5 March 2014

²⁵ Aurat Foundation, Annual report – Violence against women in Pakistan: A qualitative review of reported incidents, January to December 2012, page xx

²⁶ Dawn, Violence against women, 5 December 2013

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

representative of the HRCP, it is “very difficult” to lodge a complaint at a police station because police officers do not take domestic violence victims seriously, and, in the view of the representative, police believe that husbands have the right to beat their wives.²⁸

2.2.12 In 2012, the HRCP recorded, from media reports across the country, at least 41 women and girls who became victims of acid attack; 15 women had their limbs amputated, suspected of ‘immorality’; at least 37 women had their heads shaved; and 49 women were set on fire.²⁹

2.2.13 Despite the Acid Control and Acid Crime Prevention Bill being unanimously passed by the Senate in December 2011,³⁰ the Acid Survivor’s Foundation still recorded 93 acid attacks in 2012.³¹ However, as a result of the Bill, convictions rose by 18 per cent in 2012, compared to 11 per cent in 2011. Although the conviction rate rose, according to Valerie Khan, chairperson of the Acid Survivors Foundation, a concerted effort must be made to prevent high acquittal rates. Her organisation recorded about 150 attacks in Pakistan last year [2012], of which only 49 were reported to the police. A long history of indifference to domestic and gender-based violence dissuades a majority of victims from lodging complaints with the police, and allows innumerable perpetrators to get off scot-free.³²

See [Police attitudes and response to violence against women](#) and [Assistance available to women](#)

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Rape

2.2.14 The Freedom House ‘Freedom in the World 2013 – Pakistan’ report observed that:

‘Traditional norms, discriminatory laws, and weak policing contribute to a high incidence of rape, domestic abuse, and other forms of violence – including acid attacks – against women. According to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of sexual crimes are often pressured by police not to file charges, and they are sometimes urged by their families to commit suicide. Gang rapes sanctioned by village councils to punish the targeted woman's relatives continue to be reported, even though perpetrators in some cases have received harsh sentences. The 2006 Women's Protection Act requires judges to try rape cases under criminal law

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

²⁸ 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

²⁹ Human Rights Commission of Pakistan <http://hrcp-web.org/>, State of Human Rights in 2012, March 2013, page 173, <http://hrcp-web.org/hrpweb/wp-content/pdf/AR2012.pdf>, date accessed 6 February 2014

³⁰ The Express Tribune, Women-specific bills passed: Fourteen-year jail term for acid-throwers, 12 December 2011 <http://tribune.com.pk/story/305482/unanimous-vote-senate-passes-women-protection-anti-acid-throwing-bills/>, date accessed 6 February 2014

³¹ The Express Tribune, Acid attacks: Turning a blind eye to laws to curb violence against women, 3 December 2012 <http://tribune.com.pk/story/474343/acid-attacks-turning-a-blind-eye-to-laws-to-curb-violence-against-women/>, date accessed 6 February 2014

³² Inter Press Service <http://ipsnews.net/>, Acid Survivors Say Theirs Is a Fate Worse Than Death, 28 June 2013 <http://www.ipsnews.net/2013/06/acid-survivors-say-theirs-is-a-fate-worse-than-death/>, date accessed 6 February 2014

rather than Sharia. However, extramarital sex is still criminalized, and spousal rape is not recognized as a crime.’³³

2.2.15 The enforcement of the Women’s Protection Act was reported to be poor, and police were sometimes implicated in rape cases. Rape statistics were unreliable at all levels due to severe underreporting and the lack on any central data collection system. Prosecutions of reported rapes were said to be rare.³⁴ UNHCR explains that 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.³⁵

See [Extra-marital relations](#)

2.2.16 The U.S. Department of State explains that:

‘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 offences. 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 abuses relating to social norms that make it difficult for women to seek legal redress from police, NGOs reported that it created other barriers for rape victims who could not afford to travel to the courts or access the courts.’³⁶

2.2.17 The same report further notes 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. 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.’³⁷

2.2.18 The Asian Human Rights Commission reports that:

“For a woman who has been raped, it is mainly the case of proving her innocence, rather than being listened to and being in the position to discuss the state’s evidence. Laws are made by men, police officers are men, and Courts are mainly made up by men. Many judges tend to adopt sexist behaviors during trials, for instance by requiring the victims to provide the Court intimate details about the way in which the sexual harassment was

³³ 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

³⁴ U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

³⁵ UNHCR, [Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan](#), 14 May 2012, Hudood Ordinances

³⁶ U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section

³⁷ U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section

conducted. Such lack of delicacy and empathy, regarding the violation of women's rights, leads to double humiliation and disgrace for victims.' ³⁸

See [Police attitudes and response to violence against women](#), [Assistance available to women](#) and [Extra-marital relations](#)

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Honour crimes

2.2.19 In January 2013, 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. 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. ³⁹

2.2.20 Describing honour killings, The Aurat Foundation reported:

'The practice is deeply rooted in patriarchal/tribal traditions where males are looked upon by society as the sole protectors of females; and because of this duty conferred on the man, he has complete control over the female. In case the man's protection is violated through the perceived immoral behaviour of the woman, the man loses his honour in society, as it is interpreted, as a failure either to protect the woman adequately or to educate her properly.' ⁴⁰

2.2.21 Reporting on honour killings committed in 2012 the Human Rights Commission of Pakistan notes that:

'Out of the 913 victims of honour killings, at least 604 were killed after being accused of having illicit relations with men, often without any proof; 191 were killed because they had married according to their own choice and against their families' wishes. The incidents were not confined to the majority faith. At least seven Hindu and six Christian women also fell victim to the crime. The perpetrators of these crimes were usually close relatives. [...] Women of all ages were killed, tortured or publicly humiliated over mere suspicion of illicit relations, at times because they were seen talking to someone outside their family. Justice in these cases often remained elusive because the family of the victim was almost always complicit in the killing, and creating hindrances in the legal procedure.' ⁴¹

2.2.22 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

³⁸ [Asian Human Rights Commission, The State of Human Rights in Pakistan in 2012, 10 December 2012 page 85 Violence against women & vindictive actions against family members](#)

³⁹ 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, date accessed 7 February 2014

⁴⁰ Aurat Foundation, Annual Report January-December 2010, Violence Against Women in Pakistan: A qualitative review of statistics 2010, June 2011, Global glossary, page 9, <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202010%20-%20VAW.pdf>, date accessed 7 February 2014

⁴¹ [Human Rights Commission of Pakistan, State of Human Rights in 2012, March 2013, page 172](#)

similar other customs or practices...'⁴² The Aurat Foundation provided a [glossary of local terms](#).⁴³ According to the Aurat Foundation '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.'⁴⁴ 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.'⁴⁵

2.2.23 CEDAW reports in March 2013 that it "is concerned that in spite of the provisions in the Criminal Law (Amendment) Act 2004, which criminalize offenses in the name of so-called honour, the Qisas and Diyat Ordinances continue to be applied in these cases hence resulting in perpetrators being given legal concessions and/or being pardoned and not being prosecuted and punished".⁴⁶ Human rights groups also criticized the federal law banning "honour" killings because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges.⁴⁷

2.2.24 Sources indicated that enforcement of the law was inadequate and that an estimated 70 per cent of perpetrators went unpunished.⁴⁸ 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 was rarely invoked.⁴⁹

2.2.25 Jirgas (tribal councils) are particularly influential in rural areas and were known to have invoked punishments against women, including death, for honour-related crimes.⁵⁰ Despite being considered illegal by superior courts, jirgas continued to operate and were considered "legal" by their communities.⁵¹ An honour killing is also the culturally

⁴² Pakistan Penal Code (Act XLV 1860), Section 299ii, accessed via <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, date accessed 4 February 2014

⁴³ Aurat Foundation, Annual Report January-December 2010, Violence Against Women in Pakistan: A qualitative review of statistics 2010, June 2011, page 8, <http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202010%20-%20VAW.pdf>, date accessed 7 February 2014

⁴⁴ Aurat Foundation, Pakistan NGO Alternative Report on CEDAW, 2012 Laws relating to VAW p.96

⁴⁵ Aurat Foundation, Pakistan NGO Alternative Report on CEDAW, 2012 Laws relating to VAW p.96

⁴⁶ UN, 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), 1 March 2013, paragraph 21

⁴⁷ U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section 6

⁴⁸ 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, date accessed 7 February 2014

⁴⁹ Dawn <http://www.dawn.com/>, 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 February 2014

⁵⁰ U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

⁵¹ U.S. Department of State, Country Report on Human Rights Practices 2011 – Pakistan, 24 May 2012, Section 1c and 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186473>, date accessed 7 February 2014

acceptable murder of a woman who marries without consent or who refuses to marry a chosen partner.⁵²

2.2.26 According to the Human Rights Commission of Pakistan:

‘Those endangered by the accusation of honour crimes rarely received any state security or support, so when couples ran away, they were mostly left homeless and remained on the run. Even shelter homes, where many women declared kari ran to, have had a number of security lapses. In Darul Aman Chakwal, a woman was shot dead by her brother from within the facility, where men are not permitted entry without a security check. In another case, women were shot dead in open court at the Sindh High Court, by their male relative, also a lawyer, for honour’.⁵³ The Immigration and Refugee Board of Canada cites the 2011 Asian Human Rights Commission report as noting that the police have been “complicit” with perpetrators of honour crimes to avoid filing cases or destroy evidence “in the name of the honour of the family and [the] victim.’⁵⁴

See [Police attitudes and response to violence against women](#), [Assistance available to women](#), [Love marriages and Pakistan: Country Information and Guidance](#) [Actors of protection – Tribal justice system - jirgas](#)

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2.3. Assistance available to women

2.3.1 In a submission to the Human Rights Council for its October 2012 session, the Shirkat Gah – Women’s Resource Centre, Pakistan, stated:

‘Support structures for dealing with victims of violence are limited and under resourced. There are currently only 44 Government run women’s shelters in a population of 177.10 million (of which women are estimated to be 48-50%). Till 2010, 23 women’s emergency crisis support centers augmented services to survivors of violence. Following the devolution of the crisis centers for women established by the Federal Government to the Provincial Governments under the 18th Constitutional Amendment, the Punjab Government has refused to adopt twelve such functional centers, replacing them instead with crisis support desks that only serve as referral mechanisms. Other Provinces have adopted Women’s Crisis Centers but have failed to provide adequate and timely budgetary allocations to these centers thereby sending a message that women’s issues occupy low priority in Government budgets. There are currently only 3 recognized Government Burn Units in civil hospitals in Pakistan and 3 Burn Units in military hospitals. While some District hospitals provide burn treatment, they are poorly equipped to handle serious cases, especially those arising from acid violence. Many patients are denied treatment because of a lack of burn units in major public hospitals.’⁵⁵

⁵² Australian Government Refugee Review Tribunal (RRT), Country Advice Pakistan, PAK37665, 17 November 2010, page 2, accessed via http://www.ecoi.net/file_upload/1788_1336913515_pak37665.pdf, date accessed 12 February 2014

⁵³ Human Rights Commission of Pakistan, State of Human Rights in 2012, March 2013, page 172

⁵⁴ Immigration and Refugee Board of Canada, Pakistan: Honour killings targeting men and women [PAK104257.E], 15 January 2013

⁵⁵ Shirkat Gah – Women’s Resource Centre <http://www.shirkatgah.org/>, Stakeholders Joint Submission for Pakistan’s Review in The Human Rights Council -14th Session in October 2012, undated, pages 4-5, http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/PK/JS13_UPR_PAK_S14_2012_JointSubmission13_E.pdf, date accessed 7 February 2014

2.3.2 With regard to the availability of centres to assist women, the USSD Report 2013 commented that:

‘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 temporary shelter, 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 a shelter house (approximately 200 centers for women and children who were victims were established with funds from the Provincial Women Development Department). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers lacked sufficient space, staff, and resources. In some cases women were abused at the government-run shelters and found their movements severely restricted, or were pressured to return to their abusers.’⁵⁶ The Aurat Foundation reports that 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.’⁵⁷ The report identifies 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 means that they are not available for emergency situations, or for women seeking shelter after closing hours.⁵⁸

2.3.3 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 overcrowded with poor facilities and inadequately trained staff. 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 reports that most women stay at Dastak for at least three months, although some have stayed for several years. The organisation Shirkat Gah reports that Panah houses 40-45 women and children.⁵⁹ 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

⁵⁶ U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 6, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

⁵⁷ Aurat Foundation, Pakistan NGO Alternative Report on CEDAW, 2012, Support Structures on VAW p. 103

⁵⁸ Aurat Foundation, Pakistan NGO Alternative Report on CEDAW, 2012, Support Structures on VAW p. 103

⁵⁹ Immigration and Refugee Board of Canada, Pakistan: Domestic violence, including effectiveness of the Protection of Women (Criminal Laws Amendment) Act, 2006; state protection and services available to victims, 14 January 2013, PAK104261.E, accessed via <http://www.refworld.org/docid/51222ba42.html>, date accessed 7 February 2014

insufficiently trained staff and that most women's police stations do not register First Information Reports (FIRs).⁶⁰

See also [Police attitudes and response to violence against women](#), and Pakistan: Country Information and Guidance [Actors of protection – Police and Effectiveness](#)

2.4. Single women

2.4.1 According to a representative from the Human Rights Commission of Pakistan (HRCP) '... it is "next to impossible" for a single woman to live alone in Pakistan due to prejudices against women and economic dependence.'⁶¹ 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 urban areas, especially larger cities such as Karachi, Lahore or Islamabad, educated, higher class, working women found it easier to live alone,⁶² although this was still quite a rare occurrence.⁶³ The sources consulted by the Immigration and Refugee Board of Canada describe difficulties for single women renting property in urban areas, security concerns and social constraints. Divorcees face specific stigmatization and social rejection.⁶⁴

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

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2.5. Extra-marital relations

2.5.1 The 1979 Hudood Ordinances criminalise extra-marital sex, and several alcohol, gambling, and property offences, and provide for Koranic punishments including stoning to death for adultery, as well as jail terms and fines. The authorities have never carried out the penalty of death by stoning, partly due to the strict evidentiary requirements.⁶⁵

2.5.2 The Hudood laws apply to both Muslims and non-Muslims, although the punishments differ. The [Offence of Zina \(Enforcement Of Hudood\) Ordinance, 1979](#), states 'A man and a woman are said to commit "Zina" if they wilfully have sexual intercourse without being married to each other. Explanation: Penetration is sufficient to constitute the sexual

⁶⁰ Immigration and Refugee Board of Canada, Pakistan: Domestic violence, including effectiveness of the Protection of Women (Criminal Laws Amendment) Act, 2006; state protection and services available to victims, 14 January 2013, PAK104261.E, accessed via <http://www.refworld.org/docid/51222ba42.html>, date accessed 7 February 2014

⁶¹ 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, via: <http://www.refworld.org/docid/51222ba42.html>, date accessed 28 February 2014

⁶² Immigration and Refugee Board of Canada, Pakistan: Circumstances under which a woman has the legal right to get a divorce through the courts (judicial divorce) through her own initiative; circumstances under which single women can live alone, 17 November 2010, PAK103608.E, via: <http://www.refworld.org/docid/4dd1015f17.html>, date accessed 28 February 2014

⁶³ Immigration and Refugee Board of Canada, Pakistan: Circumstances under which single women could live alone, 4 December 2007, PAK102656.E, via: <http://www.refworld.org/docid/4784deec.html>, date accessed 28 February 2014

⁶⁴ Immigration and Refugee Board of Canada, Pakistan: Circumstances under which a woman has the legal right to get a divorce through the courts (judicial divorce) through her own initiative; circumstances under which single women can live alone, 17 November 2010, PAK103608.E, via: <http://www.refworld.org/docid/4dd1015f17.html>, date accessed 28 February 2014

⁶⁵ 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

intercourse necessary to the offence of Zina.’ Zina is liable to hadd (the punishment decreed by the Koran) if either party is considered sane and unmarried. The hadd punishment prescribed for a Muslim is stoning to death, and for a non-Muslim, 100 lashes. ⁶⁶

2.5.3 Whilst the offence of zina defines “adultery” and is covered under the Hudood Ordinance described above, ⁶⁷ sexual relations between parties who are not married 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. ⁶⁸

2.5.4 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. ⁶⁹ The US Department of State reported ‘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.’ ⁷⁰

See also Police attitudes and response to violence against women, Honour crimes, and Pakistan: Country Information and Guidance Actors of protection – Shariat Courts (Islamic law) and Tribal justice system – jirgas

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Love marriages

2.5.5 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. ⁷¹ 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. ⁷² Women are legally free to marry without family consent, but women who did so were often ostracized or faced becoming the victims of “honor”

⁶⁶ The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, 9 February 1979, Sections 2, 4 and 5, accessed via http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html, date accessed 7 February 2014

⁶⁷ The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, Sections 2, 4 and 5, accessed via http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html, date accessed 7 February 2014

⁶⁸ Protection of Women (Criminal Laws Amendment) Act 2006, <http://unhcr.org/refworld/pdfid/4db992cd2.pdf>, date accessed 7 February 2014

⁶⁹ 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, date accessed 7 February 2014

⁷⁰ U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section 6

⁷¹ Australian Government Refugee Review Tribunal (RRT), Country Advice Pakistan, PAK37665, 17 November 2010, pages 1-2, accessed via http://www.ecoi.net/file_upload/1788_1336913515_pak37665.pdf, date accessed 12 February 2014

⁷² Asian Human Rights Commission (AHRC) <http://www.humanrights.asia/>, Ethics in Action, Vol.3, No.5, Love marriages, women and rule of law in Pakistan, 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

crimes.⁷³ 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.⁷⁴ The police have been known to harass and arrest the couple, even charging them under the Zina Ordinance for pre-marital sex, despite a marriage having taken place.⁷⁵ There have been some cases where higher courts have ruled in favour of an offending couple; however, cases can take years to reach this stage.⁷⁶ The U.S. Department of State's report for 2013 notes that 'Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages the families opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.'⁷⁷

See also [Police attitudes and response to violence against women, Honour crimes and Tribal justice system – jirgas](#)

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⁷³ [U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section 6](#)

⁷⁴ Australian Government Refugee Review Tribunal (RRT), Country Advice Pakistan, PAK37665, 17 November 2010, page 4, <http://www.mrt-rrt.gov.au/CMSPages/GetFile.aspx?guid=88c8198c-2f53-4707-89b3-2bd51c3ac2e3>, date accessed 12 February 2014

⁷⁵ Duke Journal of Gender Law and Policy <http://djglp.law.duke.edu/>, Volume 16, Issue 2, What's The Constitution Got To Do With It? Regulating Marriage In Pakistan, Karin Carmit Yefet, August 2009, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1166&context=djglp>, date accessed 12 February 2014

⁷⁶ Australian Government Refugee Review Tribunal (RRT), Country Advice Pakistan, PAK37665, 17 November 2010, page 4, accessed via http://www.ecoi.net/file_upload/1788_1336913515_pak37665.pdf, date accessed 12 February 2014

⁷⁷ [U.S. Department of State, Country Report on Human Rights Practices 2013: Pakistan, 27 February 2014, section 1f](#)

Annex A: Map of Pakistan

2.5.6 Map of Pakistan, dated 2010, extracted from the University of Texas at Austin, Perry-Castañeda Library Map Collection (click on map for full access).⁷⁸



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⁷⁸ University of Texas at Austin, Perry-Castañeda Library Map Collection <http://www.lib.utexas.edu/maps/>, Pakistan, 2010, http://www.lib.utexas.edu/maps/middle_east_and_asia/pakistan_pol_2010.jpg, date accessed 21 February 2014

Annex B: Caselaw

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

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

1. At paragraph 55 of Auld LJ's summary in *Bagdanavicius* [2005] EWCA Civ.1605 it is made clear that the test set out in *Horvath* [2001] 1 AC 489 was intended to deal with the ability of a state to afford protection to the generality of its citizens.
2. Notwithstanding systemic sufficiency of state protection, a claimant may still have a well founded fear of persecution if authorities know or ought to know of circumstances particular to his/her case giving rise to the fear, but are unlikely to provide the additional protection the particular circumstances reasonably require (per Auld LJ at paragraph 55(vi)).
3. In considering whether an appellant's particular circumstances give rise to a need for additional protection, particular account must be taken of past persecution (if any) so as to ensure the question posed is whether there are good reasons to consider that such persecution (and past lack of sufficient protection) will not be repeated.

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KA and Others (domestic violence – risk on return) Pakistan CG [2010] UKUT 216 IAC (14 July 2010)

The court made the following findings:

- (i) In general persons who on return face prosecution in the Pakistan courts will 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.
- (ii) Although conditions in prisons in Pakistan remain extremely poor, the evidence does not demonstrate that in general such conditions are persecutory or amount to serious harm or ill-treatment contrary to Article 3 ECHR.
- (iii) The Protection of Women (Criminal Laws Amendment) Act 2006 ("PWA"), 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. It led to the release of 2,500 imprisoned women. Most sexual offences now have to be dealt with under the Pakistan Penal Code (PPC) 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; since 1 December 2006 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. Offences of adultery (both zina liable to hadd and zina liable to tazir) have been made bailable. However, Pakistan remains a heavily patriarchal society and levels of domestic violence continue to be high.
- (iv) 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 the Khyber Pukhtunkhwa (formerly the NWFP)

- and is unlikely to impact on married women.
- (v) Pakistan law still favours the father in disputes over custody but there are signs that the courts are taking a more pragmatic approach based on the best interests of the child.
 - (vi) The guidance given in SN and HM (Divorced women – risk on return) Pakistan CG [2004] UKIAT 00283 and FS (Domestic violence – SN and HM – OGN) Pakistan CG [2006] 000283 remains valid. 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. Women with boys over 5 face separation from their sons.
 - (vii) In assessing whether women victims of domestic violence have a viable internal relocation alternative, regard must be had not only to the availability of such shelters/centres but also to the situation women will face after they leave such centres.

FS (domestic violence –SN and HM – OGN) Pakistan [2006] UKAIT 00023 (13 March 2006)

The Tribunal concluded the background evidence on the position of women at risk of domestic violence in Pakistan and the availability to them of State protection remained as set out in SN & HM (Divorced women– risk on return) Pakistan CG [2004] UKIAT 00283. It appears that the current intention of the authorities is to improve State protection for such women, although progress is slow. Every case will still turn on its particular facts and should be analysed according to the step by step approach set out at paragraph 48 of SN & HM, with particular regard to the support on which the appellant can call if she is returned.

SN & HM (Divorced women– risk on return) Pakistan CG [2004] UKIAT 00283 (25 May 2004)

In this country guidance case the Tribunal held that the question of internal flight will require careful consideration in each case. The general questions which Adjudicators should ask themselves in these 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?

In order to engage obligations under the Refugee Convention or Article 3 ECHR there should be a positive answer to each of these questions.

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Shah and Islam HL [1999] ImmAR283 (25 March 1999).

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.

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