



Home Office

Country Policy and Information Note

Pakistan: Women fearing gender-based violence

Version 5.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

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

Country of origin information

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

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

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

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

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

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

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

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

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

Independent Advisory Group on Country Information

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

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

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

Contents

Assessment	6
1. Introduction.....	6
1.1 Basis of claim.....	6
1.2 Points to note.....	6
1.3.....	6
2. Consideration of issues.....	7
2.1 Credibility.....	7
2.2 Exclusion.....	7
2.3 Convention reason(s).....	8
2.4 Risk.....	8
2.5 Protection.....	10
2.6 Internal relocation.....	12
2.7 Certification.....	14
Country information	15
3. Legal context.....	15
3.1 Constitution.....	15
3.2 Statutory provisions.....	15
3.3 Marriage, divorce, custody and inheritance rights.....	16
4. Socio-economic indicators.....	17
4.1 Global and provincial equality / inclusivity ranking.....	17
4.2 Education and literacy.....	19
4.3 Employment and income.....	20
4.4 Political participation and representation.....	20
4.5 Healthcare and reproductive rights.....	21
5. Position of women in society.....	23
5.1 Demography.....	23
5.2 Cultural, societal and family attitudes.....	23
5.3 Single women.....	24
5.4 Love marriage.....	26
5.5 Lesbian, bisexual and trans (LBT) women.....	27
5.6 Freedom of movement.....	27
6. Adultery and extra-marital relations.....	28
6.1 Legal context.....	28
6.2 Unmarried couples and children born outside of marriage.....	29
7. Sexual and gender-based violence.....	31

7.1 Overview	31
7.2 Child and forced marriage	33
7.3 Domestic violence	36
7.4 'Honour' crimes	38
7.5 Rape.....	41
7.6 Workplace harassment.....	42
8. State treatment and attitudes.....	43
8.1 Implementation and enforcement of laws protecting women.....	43
8.2 Access to justice.....	44
8.3 Reporting of GBV crimes and conviction rates	46
8.4 Treatment by, and attitudes of, the police and judiciary	47
8.5 Representation of women in the criminal justice system	49
8.6 Informal justice systems	49
9. Assistance available to women.....	50
9.1 Crisis centres, shelters and helplines	50
Terms of Reference.....	53
Bibliography	54
Sources cited.....	54
Sources consulted but not cited.....	60
Annex A.....	61
Khan and Piracha correspondence obtained by the British High Commission, 26 September 2017	61
Annex B.....	64
Khan and Piracha correspondence obtained by the British High Commission, 20 April 2015.....	64
Version control.....	67

Assessment

Updated: 27 October 2022

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm from non-state actors because the person is a woman.

1.2 Points to note

1.2.1 Gender-based violence includes, but is not limited to, domestic abuse, sexual violence including rape, 'honour crimes', and women accused of committing adultery or having pre-marital relations.

1.2.2 Domestic abuse is not just about physical violence. It covers any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. It can include psychological, physical, sexual, economic or emotional abuse. Children can also be victims of, or witnesses to, domestic abuse. Anyone can experience domestic abuse, regardless of background, age, gender, sexuality, race or culture. However, to establish a claim for protection under the refugee convention or humanitarian protection rules, that abuse needs to reach a minimum level of severity to constitute persecution or serious harm.

1.2.3 For further guidance on assessing gender issues see the [Asylum Guidance on Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

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1.3

1.3.1

1.3.2

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

1.3.4

1.3.5

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[Back to Contents](#)

2. Consideration of issues

2.1 Credibility

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

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[Back to Contents](#)

2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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[Back to Contents](#)

2.3 Convention reason(s)

- 2.3.1 Women in Pakistan form a particular social group (PSG) within the meaning of the Refugee Convention.
- 2.3.2 In [Shah and Islam HL \[1999\] ImmAR283, promulgated 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.
- 2.3.3 Although the Constitution provides for equality of all citizens and numerous legislation has been enacted to protect women's rights, deep-rooted social, cultural and economic barriers and prejudices remain, indicating that women continue to meet the definition of a PSG.
- 2.3.4 Although women form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.5 For further guidance on the 5 Refugee Convention grounds see the Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

2.4 Risk

- 2.4.1 While some women face sexual and gender-based violence, predominantly from family members, in general, women are not at real risk of persecution or serious harm from non-state actors. Furthermore, the level of societal discrimination is not likely to be sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm. Each case must be considered on its own merits with the onus on the person to demonstrate that they would be at real risk from non-state actors.
- 2.4.2 Sexual and gender-based violence (SGBV) and discrimination is prevalent, compounded by patriarchal attitudes and cultural norms, especially in rural areas amongst lower and middle classes. Sources, including Pakistan based NGOs, the Social Policy and Development Centre (SPDC) and the Asian Development Bank (ADB) note cases of violence against women are generally underreported, due to stigma and 'victim blaming' in society (see Sexual and gender-based violence – [Overview](#)).
- 2.4.3 A woman accused of adultery (zina) or sexual relations outside of marriage (fornication) may face prosecution. However no recent statistics or legal

precedent of convictions could be found in the sources consulted (see [Adultery and extra-marital relations](#)).

- 2.4.4 In the country guidance case, [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#), heard 21 and 22 April 2010, and promulgated 14 July 2010, which considered the case of a woman, whose husband had filed charges of adultery against her, the Upper Tribunal (UT) held that ‘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’ (headnote paragraph i).
- 2.4.5 In the country guidance case of [SM \(lone women - ostracism\) \(CG\) \[2016\] UKUT 67 \(IAC\)](#), heard on 21 May 2015 and promulgated 2 February 2016, the UT held that the existing country guidance in [SN and HM \(Divorced women - risk on return\) Pakistan CG \[2004\] UKIAT 00283](#) and [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#) remains valid (paragraph 73i).
- 2.4.6 In [KA and Others](#) the UT held that:
‘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 madeailable...’ (headnote iii).
- 2.4.7 The UT held in [SM \(lone women - ostracism\)](#) that ‘Women in Pakistan are legally permitted to divorce their husbands and may institute divorce proceedings from the country of refuge, via a third party and with the help of lawyers in Pakistan, reducing the risk of family reprisals. A woman who does so and returns with a new partner or husband will have access to male protection and is unlikely, outside her home area, to be at risk of ostracism, still less of persecution or serious harm’ (paragraph 73 viii).
- 2.4.8 Domestic violence is widespread and usually committed by husbands, fathers, brothers and in-laws. Around a third of married women report having experienced spousal abuse (physical, sexual and/or emotional), Balochistan and Khyber Pakhtunkhwa (KPK) have the highest rates of reported intimate partner violence (IPV), according to the Georgetown University’s Women, Peace and Security Index 2021 (see [Domestic violence](#)).
- 2.4.9 The frequency of abuse is affected by various factors including where a woman lives (women living in rural areas are more at risk of all forms of gender-based violence than those in towns and cities), the age of which she married, her current age, marital status, her level of education and socio-

economic status. Although domestic abuse is prevalent across society and affects women at all stages of their lives, women under 40 years old, married before the age of 18, without tertiary education and who live in rural areas, are the most vulnerable (see Sexual and gender-based violence – [Overview](#) and [Domestic violence](#)).

- 2.4.10 ‘Honour’ crimes, including murder, where the perpetrators seek to avenge the dishonour brought upon the family, are committed against some women accused of adultery, sexual relations outside of marriage, marrying without parental consent (love marriage) or because their dress or behaviour is deemed immodest. An allegation or suspicion of so-called sexual misconduct can be enough to perpetrate an ‘honour’ crime (see [Adultery and extra-marital relations](#), [‘Honour’ crimes](#) and [Love marriage](#)).
- 2.4.11 In [KA and Others](#) the UT held 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 North West Frontier Province [now known as Khyber Pakhtunkhwa – KPK] and is unlikely to impact on married women’ (headnote paragraph iv).
- 2.4.12 More recent country information indicates that the risk of ‘honour’ killing is not restricted to tribal areas or unmarried women, however its prevalence is difficult to quantify as available statistics vary and crimes may be underreported.
- 2.4.13 According to media reports and Human Rights Watch (HRW), based on information from at least 2006, there were an estimated 1,000 ‘honour’ killings each year across the country, however it is not clear how these figures were obtained and official statistics are less than half that figure (see [‘Honour’ crimes](#)).
- 2.4.14 Based on official police statistics (not broken down by gender or sex, so may include men), the Human Rights Commission of Pakistan (HRCP) recorded 492 ‘honour’ killings in 2020 and 478 in 2021. Also citing official statistics, the Sustainable Social Development Organisation (SSDO) recorded 381 ‘honour’ killings in 2021. The highest rates are recorded in Punjab, followed by Sindh, KPK and Balochistan. They are reported to be more common in rural areas (see [‘Honour’ crimes](#)).
- 2.4.15 The HRCP also considered media reporting of ‘honour’ crimes and noted discrepancies in its 2020 data, between reported cases and police statistics, were due to either a reluctance to report crimes, or that not all cases were reported by the media. However, both HRCP and SSDO consistently note lower or no reported incidences of ‘honour’ crimes in the Islamabad Capital Territory (ICT) in 2020 and 2021 (see [‘Honour’ crimes](#)).
- 2.4.16 For further guidance on assessing risk, see the Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.

- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including ‘rogue’ state actors, the state is, in general, willing and able to provide effective protection. A person’s reluctance to seek protection does not mean that effective protection is not available. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. Each case must be considered on its own merits, with the onus on the person to demonstrate that protection is not available.
- 2.5.3 The Constitution prohibits discrimination on the basis of sex and there is a substantial body of legislation aimed at protecting the rights of women and countering violence against women. However, the implementation of some laws, which are aimed at preventing and punishing violence against women and girls, are not always effectively enforced (see [Legal context](#) and [Implementation and enforcement of laws protecting women](#)).
- 2.5.4 Pakistan has a functioning criminal justice system and, as of 30 November 2020, 193 courts across the country were designated to adjudicate GBV cases. Women police officers work throughout Pakistan and are posted at most police stations in Punjab and at some in Sindh and the Islamabad Capital Territory (ICT). Where women police officers are not available, all women-specific cases are referred to the Women and Child Protection Cells (see Representation of women in the justice system and [Access to justice](#)).
- 2.5.5 The police are sometimes unwilling to register or investigate domestic violence cases, viewing them as family problems or not serious crimes, and instead encourage reconciliation. Some police demand bribes before registering cases and investigations are often superficial (see [Access to justice](#) and [Treatment by, and attitudes of, the police and judiciary](#)).
- 2.5.6 Informal justice systems lack formal legal protections but continue to be used in rural areas and pass harsh punishments to women, including ‘honour’ killings or giving girls in marriage as a form of compensation (swara) (see [Informal justice systems](#)).
- 2.5.7 Referring to pre-existing caselaw, in the country guidance case [KA and Others](#) the UT held that:
‘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 [\[2006\] UKIAT 00023](#) 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’ (headnote paragraph vi).
- 2.5.8 The UT held in [SM \(lone women - ostracism\)](#) that the existing country guidance in [SN and HM \(Divorced women - risk on return\) Pakistan CG \[2004\] UKIAT 00283](#) and [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#) remains valid (paragraph 73i).
- 2.5.9 In the CG case of [SM \(lone women - ostracism\)](#), the UT held that:

‘A single woman or female head of household who has no male protector or social network may be able to use the state domestic violence shelters for a short time, but the focus of such shelters is on reconciling people with their family networks, and places are in short supply and time limited. Privately run shelters may be more flexible, providing longer term support while the woman regularises her social situation, but again, places are limited.

‘Domestic violence shelters are available for women at risk but where they are used by women with children, such shelters do not always allow older children to enter and stay with their mothers. The risk of temporary separation, and the proportionality of such separation, is likely to differ depending on the age and sex of a woman's children: male children may be removed from their mothers at the age of 5 and placed in an orphanage or a madrasa until the family situation has been regularised (see [KA and Others...](#)). Such temporary separation will not always be disproportionate or unduly harsh: that is a question of fact in each case’ (paragraph 73 vi to vii).

- 2.5.10 Women who face GBV may obtain support and assistance in government-run shelter homes (Darul Amans) in all provinces, through privately-run women’s crisis centres, and in public-private partnership shelters. Support may include legal aid, medical treatment, and psychosocial counselling and provisions in Punjab are generally better than in other provinces. However, some Darul Amans lack sufficient space, staff, and resources and the US Department of State reported that some staff abused or discriminated against the shelter residents, severely restricted their movement or pressured them to return to their abusers (see [Crisis centres, shelters and helplines](#)).
- 2.5.11 Since [SM \(lone women - ostracism\)](#) was heard, the situation in regard to shelters has not significantly changed. There are not, therefore, ‘very strong grounds supported by cogent evidence’ to justify a departure from [SM](#).
- 2.5.12 For further guidance on assessing state protection, see the [Country Policy and Information Note Pakistan: Actors of protection](#), and the Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Internal relocation may be reasonable to large urban centres such as Karachi, Lahore and Islamabad. Each case must be considered on its own merits, having regard to the individual circumstances of the person.
- 2.6.3 The UT held in [SM \(lone women - ostracism\)](#) that the existing country guidance in [SN and HM \(Divorced women - risk on return\) Pakistan CG \[2004\] UKIAT 00283](#) and [KA and Others \(domestic violence risk on return\) Pakistan CG \[2010\] UKUT 216 \(IAC\)](#) remains valid (paragraph 73i).
- 2.6.4 In the country guidance case [SN & HM \(Divorced women– risk on return\) Pakistan](#), heard 19 April 2004 and promulgated 25 May 2004, the UT held that the question of internal flight will require careful consideration in each

case. The UT held (at paragraph 48 of the determination) that ‘The general questions which [decision makers] should ask themselves in cases of this kind are as follows:

- 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 area?
- 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?’

2.6.5 In the country guidance case [SM \(lone women - ostracism\)](#), the UT held that:

‘Where a risk of persecution or serious harm exists in her home area for a single woman or a female head of household, there may be an internal relocation option to one of Pakistan’s larger cities, depending on the family, social and educational situation of the woman in question.

‘It will not normally be unduly harsh to expect a single woman or female head of household to relocate internally within Pakistan if she can access support from family members or a male guardian in the place of relocation.

‘It will not normally be unduly harsh for educated, better off, or older women to seek internal relocation to a city. It helps if a woman has qualifications enabling her to get well-paid employment and pay for accommodation and childcare if required.

‘Where a single woman, with or without children, is ostracised by family members and other sources of possible social support because she is in an irregular situation, internal relocation will be more difficult and whether it is unduly harsh will be a question of fact in each case’ (paragraph 73 (ii to v).

2.6.6 The UT in the case of [KA and others](#) held that ‘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’ (headnote paragraph vii).

2.6.7 The Islamabad-based NGO Rozan stated that after leaving a shelter, some women face social stigma, family rejection, financial constraints and practical challenges of living such as safe housing (see [Single women](#)).

2.6.8 Since [SM \(lone women - ostracism\)](#) was heard, the situation in regard to shelters has not significantly changed. There are not, therefore, ‘very strong grounds supported by cogent evidence’ to justify a departure from [SM](#). See the section on [Protection](#) for caselaw and information regarding shelters.

2.6.9 For further guidance on considering internal relocation and factors to be taken into account see the see the [Country Policy and Information Note](#)

[Pakistan: Background information, including internal relocation](#), and the Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

2.7 Certification

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

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

Country information

This section was updated on 21 September 2022

3. Legal context

3.1 Constitution

3.1.1 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.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children¹.

[Back to Contents](#)

3.2 Statutory provisions

3.2.1 The National Commission on the Status of Women (NCSW), a financial and administrative autonomous body established in 2012 to ‘examine and review laws, policies, programmes and monitor the implementation of laws for the protection and empowerment of women, and to facilitate the government in the implementation of international instruments and obligations’², provided a [list of Federal and Provincial ‘Pro-Women’ laws](#), which included legislation aimed at protecting women against rape (though not marital rape³), ‘honour’ crimes, domestic violence, child marriage, acid attacks and harassment in the workplace, as well as laws ensuring rights in regard to marriage, reproduction, property and employment⁴. The NCSW noted ‘Many of the federal laws are constitutionally applicable to the provinces as well, until a provincial government enacts its own law ...’⁵

3.2.2 For legislation relating to sexual and gender-based violence, see the relevant sections within this note.

3.2.3 The Women, Peace and Security Index 2021 (2021 WPS Index), building on data from 2020 and 2021, prepared by Georgetown University’s Institute for Women, Peace and Security (GIWPS) and the Peace Research Institute Oslo (PRIO), an independent research institution, which measures women’s inclusion (economic, social, political), justice (formal laws and informal discrimination), and security (at the individual, community, and societal levels)⁶, noted that:

‘Pakistan has adopted several key international commitments to women’s rights, including the Beijing Platform for Action, the 1996 Convention on the Elimination of All Forms of Discrimination against Women, and the Sustainable Development Goals. Federal and provincial governments have

¹ GoP, [Constitution of Pakistan](#), (Article 25), 10 April 1973

² NCSW, [‘What we do’](#), no date

³ DW, [‘Why Pakistani feminists are reluctant to talk about marital rape’](#), 12 April 2022

⁴ NCSW, [‘List of Federal and Provincial Pro-Women Laws’](#), no date

⁵ NCSW, [‘List of Federal and Provincial Pro-Women Laws’](#), no date

⁶ GIWPS, [‘Summary – WPI Index 2021/22’](#) (page 1), 2021

gradually legislated legal reforms, most notably the Women's Protection Bill (2006) and the 2016 Criminal Law Act outlawing rape. While those steps are important, implementation remains weak, and Pakistani women's rights advocates face continuing opposition from political and religious forces.⁷

[Back to Contents](#)

3.3 Marriage, divorce, custody and inheritance rights

- 3.3.1 The Muslim Family Laws Ordinance, 1961, which regulates marriage, polygamy, divorce and maintenance, states that 'It extends to [the] whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be.'⁸
- 3.3.2 The Child Marriage Restraint Act, 1929, proscribes the minimum age of marriage for girls as 16 years old and 18 years for boys⁹. Although passed by the Senate in April 2019¹⁰, at the time of writing, proposed amendments to the Act to raise the marriage age for girls to 18 remained pending with the Council of Islamic Ideology (CII), an advisory body who opine whether a law is or is not repugnant to the rules of Islam¹¹, following objections that the changes were contrary to Islam¹². The Provincial Assembly of Sindh (PAS) passed the Sindh Child Marriage Restraint Act in April 2014, which repealed the 1929 Act and prohibits marriage for boys and girls under the age of 18 years¹³.
- See also [Child and forced marriage](#).
- 3.3.3 The US Department of State noted in its human rights report for 2021 (USSD HR Report 2021) that 'The 2017 Hindu Marriage Law gives legal validity to Hindu marriages, including registration and official documentation, and outlines conditions for separation and divorce, including provisions for the financial security of wives and children.'¹⁴
- 3.3.4 The USSD 2021 International Religious Freedom (USSD 2021 IRF) report noted that the Hindu Marriage Act applied to federal territory and all other provinces. The same source also cited the provincial-level Sindh Hindu Marriage Act, which legitimises Hindu marriages and applies to Sikhs¹⁵.
- 3.3.5 The USSD IRF 2021 report added 'The Punjab Sikh Anand Karaj Marriage Act allows local government officials in that province to register marriages between a Sikh man and Sikh woman solemnized by a Sikh Anand Karaj marriage registrar.'¹⁶
- 3.3.6 Regarding religious conversion and its effect on marriage, the USSD 2021 IRF report noted that 'Some court judgments have considered the marriage of a non-Muslim woman to a non-Muslim man dissolved if she converts to

⁷ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

⁸ GoP, '[Muslim Family Laws Ordinance, 1961](#)', 1961

⁹ GoP, '[Pakistan: Act No. XIX of 1929, Child Marriage Restraint Act](#)', 1929

¹⁰ Dawn, '[Child marriage restraint bill sails through Senate](#)', 30 April 2019

¹¹ GoP, '[Council of Islamic Ideology](#)', no date

¹² Geo News, '[Child marriage: What are the laws in Pakistan?](#)', 26 April 2022

¹³ PAS, '[Sindh Child Marriages Restraint Act, 2013 \(Act No. XV of 2014\)](#)', 28 April 2014

¹⁴ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

¹⁵ USSD, '[2021 Report on International Religious Freedom: Pakistan](#)' (section II), 2 June 2022

¹⁶ USSD, '[2021 Report on International Religious Freedom: Pakistan](#)' (section II), 2 June 2022

Islam, although the marriage of a non-Muslim man who converts remains recognized.’¹⁷

- 3.3.7 The Christian Marriage and Divorce Bill 2019, which aimed to update the old laws, including to allow greater scope for divorce^{18 19}, remained pending at the time of writing.
- 3.3.8 The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband²⁰. Article 29 of the 2006 Protection of Women Act amended the Dissolution of Muslim Marriages Act by providing further grounds for divorce, namely ‘lian’, explained as ‘... where the husband has accused his wife of zina [sex outside of marriage] and the wife does not accept the accusation as true.’²¹
- 3.3.9 The USSD HR Report 2021 noted that ‘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 were unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support, as their families ostracized them.’²²
- 3.3.10 In regard to inheritance, the same report said:
‘The law entitles female children to one-half the inheritance of male children. Wives inherit one-eighth of their husbands’ estates. Women often received far less than their legal entitlement. In addition, complicated family disputes and the costs and time of lengthy court procedures reportedly discouraged women from pursuing legal challenges to inheritance discrimination. During the year Khyber Pakhtunkhwa passed a law for the protection of women’s inheritance rights and appointed a female independent ombudsperson charged with hearing complaints, starting investigations, and making referrals for enforcement of inheritance rights.’²³

[Back to Contents](#)

This section was updated on 21 September 2022

4. Socio-economic indicators

4.1 Global and provincial equality / inclusivity ranking

- 4.1.1 The World Economic Forum’s Global Gender Gap Index for 2021 ranked Pakistan 153 out of 156 countries (with the country first having the smallest gender gap, 156th the widest) in terms of women’s economic participation and opportunity, educational attainment, health and survival, and political empowerment²⁴. The Index also ranked Pakistan second worst in South Asia, above Afghanistan and below India²⁵. In 2020, the Global Gender Gap

¹⁷ USSD, ‘[2021 Report on International Religious Freedom: Pakistan](#)’ (section II), 2 June 2022

¹⁸ Daily Times, ‘[Christian Marriage and Divorce Act 2019 — a long awaited...](#)’, 4 September 2019

¹⁹ Dawn, ‘[Christian Marriage and Divorce Bill caught between feuding ministries](#)’, 5 November 2019

²⁰ GoP, ‘[Dissolution of Muslim Marriages Act, 1939](#)’ 1939

²¹ GoP, ‘[Protection of Women \(Criminal Laws Amendment\) Act, 2006](#)’, 1 December 2006

²² USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 12 April 2022

²³ USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 12 April 2022

²⁴ World Economic Forum, ‘[Global Gender Gap Report 2021](#)’ (page 10), 30 March 2021

²⁵ World Economic Forum, ‘[Global Gender Gap Report 2021](#)’ (page 31), 30 March 2021

Index ranked Pakistan last in South Asia, although that year did not include Afghanistan in its rankings²⁶.

4.1.2 Pakistan ranked 167 out of 170 countries in the Georgetown Institute's 2021 WPS Index (with the country ranked first demonstrating the highest levels of inclusion, justice and security for women, 170th the least)^{27 28}. The 2021 WPS Index noted that, 'Between 2017 and 2021, Pakistan regressed on two measures of inclusion – women's mean years of schooling and rates of paid employment.'²⁹

4.1.3 In terms of gender equality, the UN Development Programme (UNDP) Gender Inequality Index (GII), which measures gender-based disadvantage in terms of reproductive health, empowerment and the labour market, ranging from 0, where women and men fare equally, to 1, where one gender fares as poorly as possible in all measured dimensions, showed Pakistan's progress since 1990 (when it measured 0.811), up to 2020 (when it measured 0.534), bringing the country closer to the world average of 0.465³⁰.

4.1.4 Profiling Pakistan's provinces, the 2021 WPS Index stated that:

'Punjab scored above the national average on inclusion, justice, and security, traceable in part to high rates of urbanization. The province had the fewest deaths due to organized violence, around a quarter of the national average, but was still marked by political violence, including riots, protests, and attacks by militant groups. Punjab had a largely agrarian economy with economic stagnation in more rural areas along with high, and worsening, income inequality traced to urbanization.

'Sindh performed around the national average on women's education and discriminatory norms, but below average on employment, intimate partner violence, and organized violence. Sindh had the highest levels nationally of women's financial inclusion, at 25 percent, and participation in household decision making, at 46 percent. But urban–rural differences were stark, with 15 percent of urban women completing secondary education, compared with only 2 percent of rural women.

'Urban inequalities are also prevalent in Sindh. Karachi, Pakistan's largest city and financial capital, hosts some of South Asia's largest slums and informal settlements. Despite substantial income from wages and salaries and from property, Karachi has experienced recurrent waves of ethnopolitical, sectarian, and militant violence.

'KPK and Balochistan scored poorly on virtually all the indicators in our provincial WPS Index. In KPK, women's employment stood at 12 percent, financial inclusion at 17 percent, cellphone use at 37 percent, and participation in domestic decision making at 19 percent. Balochistan, bottom ranked of the provinces, experienced extensive deficits in women's social and economic inclusion: women's employment was a meager 8 percent,

²⁶ World Economic Forum, '[Global Gender Gap Report 2020](#)' (page 27), 16 December 2019

²⁷ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

²⁸ GIWPS, '[Summary – WPI Index 2021/22](#)' (page 1), 2021

²⁹ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

³⁰ UNDP, '[Gender Inequality Index \(GII\)](#)', no date

financial inclusion was 13 percent, and cellphone use was 16 percent. Balochistan also scored poorly on women's participation in decision making (10 percent) and had a high level of son bias – approximately 111 boys were born for every 100 girls, similar to the world's three highest country rates (Azerbaijan, China, and Viet Nam). Only 5 percent of girls in KPK and 4 percent in Balochistan completed secondary education.³¹

[Back to Contents](#)

4.2 Education and literacy

- 4.2.1 The USSD HR Report 2021 noted that 'The constitution mandates compulsory education, provided free of charge by the government, to all children between ages five and 16. Despite this provision, government schools often charged parents for books, uniforms, and other materials.'³²
- 4.2.2 According to the Global Gender Gap Index for 2021, 46.5% of women are literate, 61.6% attend primary school, 34.2% attend high school and 8.3% are enrolled in tertiary [higher] education courses, compared to 71.1%, 73.2%, 40.4% and 9.6% of men, respectively³³.
- 4.2.3 The 2021 WPS Index noted that, 'On average, girls had much less access to education in Pakistan than boys – mean years of schooling was 3.9 for women and 6.4 for men. Only in Punjab did even half of women (52 percent) complete at least primary school, and rates were as low as 19 percent in Balochistan and 30 percent in KPK. In all provinces, 10 percent or less of women have completed secondary school.'³⁴
- 4.2.4 A press release dated February 2022, published by the Malala Fund, a non-governmental organisation (NGO) advocating for girls' education, noted that 'Pakistan has made a lot of progress for girls' education in the last decade – but 12 million girls remain out of school, with only 13% of girls reaching grade nine [age 13 to 14].'³⁵
- 4.2.5 The USSD HR Report 2021 stated:
'The most significant barrier to girls' education was lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far for a girl to travel unaccompanied under prevailing social norms. Despite cultural beliefs that boys and girls should be educated separately after primary school, the government often failed to take measures to provide separate restroom facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than for boys. Additionally, certain tribal and cultural beliefs often prevented girls from attending schools.'³⁶

[Back to Contents](#)

³¹ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

³² USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

³³ World Economic Forum, '[Global Gender Gap Report 2021](#)' (page 311), 30 March 2021

³⁴ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

³⁵ Malala Fund, '[Reaffirming Malala Fund's long-term commitment to girls...](#)', 9 February 2022

³⁶ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

4.3 Employment and income

- 4.3.1 The Global Gender Gap Index for 2021 noted that ‘Few women participate in the labour force (22.6%) and even fewer are in managerial positions (4.9%)... on average, a Pakistani woman’s income is 16.3% of a man’s.’³⁷
- 4.3.2 A blog published in June 2021 by the World Bank stated, ‘Having hovered around 10 percent for over 20 years, female labor force participation (FLFP) in urban Pakistan is among the lowest in the world.’³⁸
- 4.3.3 The 2021 WPS Index stated:
‘Performance on inclusion [in employment] was alarmingly low across Pakistan’s provinces. Rates of female employment hovered around 10 percent in Balochistan, KPK, and Sindh, which would rank those provinces with the world’s bottom four countries on the global WPS Index. Agriculture was the country’s largest source of employment, but women in agriculture were more likely than men to be unpaid family workers and unprotected by labor laws in any province but Sindh.’³⁹
- 4.3.4 According to the Pakistan Government’s Bureau of Statistics (PBS) Labour Force Survey, 2020 to 2021, male participation in the labour force, which stood at 67.9%, was ‘... more than three times than female participation rate (21.3%).’⁴⁰

[Back to Contents](#)

4.4 Political participation and representation

- 4.4.1 Women are reserved 60 seats in the National Assembly (NA) and, as of June 2022, the total number of female parliamentarians who held seats in the NA was 70, equating to 20.47% of the total number (342) of NA members⁴¹ ⁴². In the Senate, 17 seats out of 100 are reserved for women⁴³.
- 4.4.2 The Global Gender Gap Index for 2021 noted that ‘... women’s representation among parliamentarians (20.2%) and ministers (10.7%) remains low.’⁴⁴
- 4.4.3 The 2021 WPS Index stated ‘Although women have been active in Pakistani politics since independence, their formal parliamentary representation remains limited. Almost two decades ago, President Pervez Musharraf introduced a 17 percent quota for women in national and provincial assemblies. Current women’s parliamentary representation in provincial assemblies ranges between 17 and 20 percent, just meeting the modest quota.’⁴⁵
- 4.4.4 The USSD HR Report 2021 noted, ‘Authorities reserved for women 132 of the 779 seats in provincial assemblies and one-third of the seats on local

³⁷ World Economic Forum, ‘[Global Gender Gap Report 2021](#)’ (page 38), 30 March 2021

³⁸ World Bank Blogs, ‘[In Pakistan, women’s representation in the workforce...](#)’, 14 June 2021

³⁹ GIWPS, ‘[Consistently low rates of women’s inclusion across Pakistan’s provinces](#)’, 2021

⁴⁰ PBS, ‘[Labour Force Survey 2020-21 \(Annual Report\)](#)’ (page 14), March 2022

⁴¹ National Assembly of Pakistan, ‘[Members – Women](#)’, no date

⁴² IPU Parline, ‘[Pakistan – Data on Women](#)’, no date

⁴³ Senate of Pakistan, ‘[Composition/Structure](#)’, no date

⁴⁴ World Economic Forum, ‘[Global Gender Gap Report 2021](#)’ (page 38), 30 March 2021

⁴⁵ GIWPS, ‘[Consistently low rates of women’s inclusion across Pakistan’s provinces](#)’, 2021

councils. Women participated actively as political party members, but they were not always successful in securing leadership positions within parties, apart from women's wings. Of 48 members of the federal cabinet, only five were women.⁴⁶

- 4.4.5 The same report added that 'Women's political participation was affected by cultural barriers to voting and limited representation in policymaking and governance. According to an August survey by the Human Rights Commission of Pakistan, female legislators reported that discriminatory cultural norms and stereotypes hindered their entry into politics and impacted their performance as members of legislative assemblies.'⁴⁷
- 4.4.6 The Elections Act 2017 states that if less than 10% of women vote in any constituency, the Election Commission of Pakistan (ECP) may presume that the women's vote was suppressed, and the results for that constituency or polling station may be declared void⁴⁸.
- 4.4.7 In regard to the minimum 10% turn out of women, the USSD HR Report 2021 noted, 'The government enforced the law for the first time in Shangla, Khyber Pakhtunkhwa, when the Election Commission canceled the district's 2018 general election results after women made up less than 10 percent of the vote.'⁴⁹ The same source added, 'Cultural and traditional barriers in tribal and rural areas impeded some women from voting.'⁵⁰

[Back to Contents](#)

4.5 Healthcare and reproductive rights

- 4.5.1 A joint NGO report submitted for consideration by the UN Committee on the Elimination of Discrimination against Women (UN CEDAW) by the women's rights group, Shirkat Gah, dated 10 June 2019, noted that social norms in Pakistan restrict women's access to health services, especially in regard to reproductive health. The report referred to the Reproductive Healthcare and Rights Act (2013), noting that the services offered within this Act were restricted to married couples only, excluding the rights to health of unmarried women and adolescent girls⁵¹.
- 4.5.2 The Pakistan Maternal Mortality Survey 2019 (PMMS 2019), conducted by the National Institute of Population Studies (NIPS), estimated that the maternal mortality ratio (MMR) – defined as any death (excluding those that occurred due to accidents or violence) that occurred during pregnancy or childbirth or within 42 days after the birth or termination of a pregnancy – was 186 deaths per 100,000 live births. The ratio was 26% higher in rural areas than in urban areas⁵².
- 4.5.3 The Pakistan Penal Code permits abortion when the life of a woman is in danger by continuing with the pregnancy or the woman is required to undergo treatment. Causing abortion or miscarriage outside of these

⁴⁶ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 3), 12 April 2022

⁴⁷ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 3), 12 April 2022

⁴⁸ ECP, '[Election Laws – The Election Act 2017](#)' (Article 9), 2 October 2017

⁴⁹ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 3), 12 April 2022

⁵⁰ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 3), 12 April 2022

⁵¹ Shirkat Gah, '[Supplementary Information for the Adoption...](#)', (page 13), 10 June 2019

⁵² NIPS, '[Pakistan Maternal Mortality Survey 2019](#)' (pages 37 and 48), 2020

permissions is known as Isqat-i-Hamal and may be subject to imprisonment⁵³.

- 4.5.4 According to the 10 June 2019 report submitted to UN CEDAW by Shirkat Gah, as a form of family planning, women took unauthorised routes to terminate their pregnancies, namely unsafe abortion services. The report noted that the reasons for the terminations included family limitations, myths and misconceptions, socio-cultural attitudes, and low rates of adoption of family planning techniques and procedures⁵⁴.
- 4.5.5 The UN CEDAW in its concluding observations on the fifth periodic report of Pakistan, dated 10 March 2020, expressed concern at:
- ‘(a) The high maternal mortality rate in the State party;
 - ‘(b) Women’s limited access to family planning services, including modern contraceptives;
 - ‘(c) Restrictive abortion laws and the large number of women resorting to unsafe abortions, as well as the lack of adequate post-abortion care services;
 - ‘(d) The high incidence of obstetric fistula [a childbirth injury] in the State party, resulting from prolonged obstructed labour in the absence of skilled birth attendance, as well as iatrogenic fistula, resulting from surgical negligence during caesarean section or hysterectomy;
 - ‘(e) The subjection of women with disabilities, in particular those living in institutions, to forced sterilization, and the performance of gender reassignment surgery on intersex persons for the purpose of legal gender recognition and victims’ limited access to justice.’⁵⁵
- 4.5.6 On 17 March 2022, English-language daily news site, Dawn, reported on a forum on women’s health that drew attention to ‘... the impediments that led to growing disparity in healthcare and prevented women from seeking diagnoses...’. The panel groups at the forum, led by women, raised the need for ‘Comprehensive policies, opportunistic screening, culturally-relevant measures and universal healthcare... needed to improve Pakistani women’s access to healthcare and thereby improving their quality of life...’. The report added that, in a discussion on gender inequalities in accessing healthcare, particularly in regard to women who relied on male relatives to take them to hospital, one expert said ‘Women can make choices for their children’s health and can go to a doctor if a child is ill. However, they do not have the agency to go to a doctor for their own health.’⁵⁶

[Back to Contents](#)

This section was updated on 21 September 2022

⁵³ GoP, ‘[Pakistan Penal Code \(Act XLV 1860\)](#), (Article 338(A) to (C)), 6 October 1860

⁵⁴ Shirkat Gah, ‘[Supplementary Information for the Adoption...](#)’, (page 13), 10 June 2019

⁵⁵ CEDAW, ‘[Concluding observations on the fifth periodic report...](#)’ (paragraph 42), 10 March 2020

⁵⁶ Dawn, ‘[Experts highlight areas for improving women’s access to healthcare](#)’, 17 March 2022

5. Position of women in society

5.1 Demography

5.1.1 Using 2020 estimates, the CIA World Factbook provided a breakdown, by sex and age, of the total population:

- 0-14 years: (male 42,923,925/female 41,149,694)
- 15-24 years: (male 23,119,205/female 21,952,976)
- 25-54 years: (male 41,589,381/female 39,442,046)
- 55-64 years: (male 6,526,656/female 6,423,993)
- 65 years and over: (male 4,802,165/female 5,570,595)⁵⁷.

5.1.2 The majority of women (and the rest of the population⁵⁸) live in rural areas⁵⁹.

[Back to Contents](#)

5.2 Cultural, societal and family attitudes

5.2.1 The status of women differs in terms of their class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status and number of children^{60 61}. However, patriarchal attitudes and discriminatory stereotypes about women's roles and responsibilities in the family and in society, worsened by religious divisions in government, maintain their subordination to men^{62 63}.

5.2.2 A Thomson Reuters Foundation survey, dated 2018, consisting of 550 experts on women's issues, ranked Pakistan as the '... sixth most dangerous and fourth worst [country in the world for women] in terms of economic resources and discrimination as well as the risks women face from cultural, religious and traditional practices, including so-called honor killings. Pakistan ranked fifth on non-sexual violence, including domestic abuse.'⁶⁴

5.2.3 The Shirkat Gah (women's rights group) report on the impact of COVID-19 on women, dated December 2020, noted that 'Of paramount concern is the normalisation of domestic violence: a quarter of women in Punjab, half of those in Sindh and three-quarters of women in Khyber-Pakhtunkhwa believe that a husband beating his wife is justified for various reasons.'⁶⁵

5.2.4 The Georgetown Institute's 2017/18 WPS Index used a measure for discriminatory norms, derived from the Gallup World Poll that asked respondents whether 'it is perfectly acceptable for any woman in your family

⁵⁷ CIA, '[The World Factbook Pakistan](#)' (people and society), updated 12 September 2022

⁵⁸ CIA, '[The World Factbook Pakistan](#)' (people and society), updated 12 September 2022

⁵⁹ Zaidi Y, Farooq S and others, '[Rural Women in Pakistan - Status Report 2018](#)' (page 1), 2018

⁶⁰ HRCP, '[State of Human Rights in 2011](#)', (page 155), March 2012

⁶¹ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

⁶² CEDAW, '[Concluding observations on the fourth periodic report...](#)', (paragraph 21), 27 March 2013

⁶³ CEDAW, '[Concluding observations on the fifth periodic report...](#)' (paragraph 29), 10 March 2020

⁶⁴ Reuters, '[Factbox: Which are the world's 10 most dangerous countries ...](#)', 26 June 2018

⁶⁵ Shirkat Gah, '[The Gendered Impact of COVID19 The Shadow...](#)' (page 1), December 2020

to have a paid job outside the home if she wants one.’ In Pakistan, 73% of men disagreed with this proposition⁶⁶.

- 5.2.5 In a household survey using data collected in February 2021 from a sample size of 852 male and 179 female respondents, the Center for Global Development (CGD) found that 43% of men think women should not work outside the home and, although half of men thought women should be allowed to work, 28% of those did not think a woman could do the same job as a man. The CGD also cited the 2019 Pakistan Social and Living Standards Measurement (PSLM) survey, in which it was found that 40% of women needed permission from a family member to seek or remain in paid employment⁶⁷.
- 5.2.6 In November 2018, Zohra Yusuf, the former chairperson of the Human Rights Commission of Pakistan (HRCP), told German broadcaster Deutsche Welle (DW) that “Feudal orthodoxy and conservative norms have deep roots in Pakistan. Men want to control women and they treat them as their “property”. They don't allow any freedom to women”.⁶⁸
- 5.2.7 The CDG noted in 2021 that ‘An important driver of gender gaps are gender norms. In Pakistan, men are generally expected to be breadwinners and women are generally expected to stay home. This leads to higher demand for school for sons than for daughters.’⁶⁹
- 5.2.8 The Australian Government’s Department of Foreign Affairs and Trade (DFAT) January 2022 Country Information Report, informed by DFAT’s on-the-ground knowledge and discussions with a range of sources in Pakistan and elsewhere, as well as information from government, non-government and media sources⁷⁰, noted that:

‘Women’s participation in society in Pakistan can be heavily curtailed depending on their social circumstances. Observation of the purdah (literally “curtain”, an Islamic practice of segregating women from unrelated men) restricts many women’s personal, social and economic activities outside the home. While women in cities such as Lahore, Karachi and Islamabad often enjoy relative freedom, conservative rural communities are much stricter. There are reports of widespread sexual harassment of women and girls in public places, schools and universities. Some, mostly wealthy, Pakistani women have attained senior positions in public life, but their experience is not representative of the general population.’⁷¹

[Back to Contents](#)

5.3 Single women

- 5.3.1 According to the most recent Pakistan Demographic and Health Survey (PDHS) 2017-18, implemented by the National Institute of Population Studies (NIPS) and published January 2019, 62% of Pakistani women between the ages of 15 and 49 stated that they were married. The

⁶⁶ GIWPS, ‘[Women Peace and Security Index 2017/18](#)’, (page 33), 2017

⁶⁷ CGD, ‘[Promoting Gender Equality in Pakistan Means Tackling Both Real...](#)’, 10 August 2021

⁶⁸ DW, ‘[A daughter killed by her family – a story of love and “honor”](#)’, 19 November 2018

⁶⁹ CGD, ‘[Promoting Gender Equality in Pakistan Means Tackling Both Real...](#)’, 10 August 2021

⁷⁰ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 1.4), 25 January 2022

⁷¹ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 3.92), 25 January 2022

corresponding proportion for men was 50%. In the same survey, only 1.9% of women and 2.1% of men in the age group 45 to 49 said that they had never been married⁷².

- 5.3.2 Information on the general situation for single women was limited.
- 5.3.3 The testimonies of 8 single women who discussed the pressures they had from both family and friends to get married and have children were cited in March 2019 by Dawn⁷³. In April 2021 Dawn published an article by lawyer Rafia Zakaria about the social expectation that women get married. She also said that although it was possible for women to live alone, doing so was considered as a sign of dishonour for their families because it implied that the men were unwilling or unable to care for their female relatives, or that they were morally problematic for living away from the family home⁷⁴.
- 5.3.4 A study on 'singlehood', based on interviews with 20 single women over the age of 35 in Rawalpindi, Punjab, published in March 2021 noted:
'Marriage has always been central to women's lives in Pakistan and to remain single is not only considered socially unacceptable but also perceived as non-compliance to the cultural hegemony of the institute of marriage. Pakistan is a country where marriage is considered mandatory and singlehood is viewed as anomalous particularly in the case of women... Regardless of whether the causes for their single status were circumstantial or optional, unmarried women experience criticism, disgrace, loneliness, and feeling of being left out in a patriarchal societal setup where traditional gender role expectations bound women with marriage and motherhood.'⁷⁵
- 5.3.5 According to an August 2021 article on the situation for single women, by Lahore-based journalist and writer, Nushmiya Sukhera:
'There seems to be no space in Pakistani culture for women living alone. The common and expected arc of a woman's life consists of first living in her parents' home and moving out only when moving into the home of her husband and his family. Women who seek independence are often thought to be bringing shame upon the family by doing so and are severely criticized by relatives – close and distant alike. But in recent years, the country has seen a change in which more women are choosing to live independently, whether it's by relocating to a different city for work, leaving abusive domestic situations, or even simply wanting to dip their toes in some form of liberation in a country determined to shackle them in one way or another. However, for most of these women, the decision to live independently brings with it its own set of challenges. They often have to put themselves in potentially dangerous situations in order to live a life devoid of control and confinement.'⁷⁶
- 5.3.6 The same report noted that 'According to Mazhar Lodhi, a real estate agent based in Islamabad, finding places for women is fairly easy. "They can find accommodations in hostels, apartments and even portions or rooms in

⁷² NIPS, '[Demographic and Health Survey 2017-18](#)' (pages 68 and 72), January 2019

⁷³ Dawn, '[8 women reveal what it's like to be single and over 30...](#)', 10 March 2019

⁷⁴ Dawn, '[Women living alone](#)', 7 April 2021

⁷⁵ Sultana A and others, '[Dilemmas of Singlehood in Contemporary Pakistani Culture...](#)', March 2021

⁷⁶ Sukhera N, '[Is There Space in Pakistan for Women on Their Own?](#)', 13 August 2021

houses,” he said.’ Similarly, Nayab Gohar Jan, an activist based in Lahore, said that there were ‘hostels accommodating single women...’ Despite this, Sukhera heard from women who had lived or were living independently, some of whom spoke of their personal security concerns as well as the moral policing and harassment they faced from landlords or male neighbours⁷⁷.

5.3.7 Lawyer Rafia Zakaria stated in an article published by Dawn in January 2022 that ‘Grown women who are not under the wing of a husband are automatically considered social pariahs and their morals declared compromised. Even in 2022, it is difficult for a single woman to rent or lease a home in many areas in the country. Faced with such realities, most girls just say “yes” [to marriage].’⁷⁸

5.3.8 A research study on post-shelter lives of women survivors of violence by Rozan, an Islamabad-based NGO, published November 2018, noted that: ‘Depending upon the trajectory of their post shelter lives, many [women] still face violence or the threat of violence, severe stigma for living without male members or as a divorced woman as well as considerable distress as consequence of years of abuse and loss of support from family members. Many also face financial constraints and practical challenges of living such as safe housing... Many try to dissociate, at least visibly, with the shelter and lie to neighbours and landlords that they have brothers or fathers earning abroad. Single and younger women reported this more, and often shared a heightened sense of insecurity and vulnerability as a lone woman, without male members in their life.’⁷⁹

5.3.9 The Legal Aid Society (LAS) noted in 2020 that ‘If a woman leaves her husband without the support of her natal family, unless she is wealthy and educated, there are very few options for her to survive and to manage her children.’⁸⁰

See also [Freedom of movement](#).

[Back to Contents](#)

5.4 Love marriage

5.4.1 Most marriages in Pakistan are arranged⁸¹. Marriage of choice is often referred to as ‘love marriage’, which may occur with or without the parent’s consent⁸². According to a 2019 Gilani Research Foundation Survey using a nationally representative sample of 1,287 married men and women, 85% of Pakistanis met their spouse through parents or close relatives and only 5% said they had a love marriage⁸³.

⁷⁷ Sukhera N, ‘[Is There Space in Pakistan for Women on Their Own?](#)’, 13 August 2021

⁷⁸ Dawn, ‘[Forced marriages only](#)’, 5 January 2022

⁷⁹ Rozan, ‘[Against All Odds: Post Shelter Lives of Women Survivors...](#)’ (pages 8, 49), November 2018

⁸⁰ LAS, ‘[Gap Analysis of Service Providers for Gender-Based Violence...](#)’ (page 64), 2020

⁸¹ Landinfo, ‘[Pakistan: Ekteskap og skilsmisse](#)’ (page 4), 25 January 2021

⁸² Arif N and Fatima I, ‘[Marital Satisfaction in different types...](#)’ (page 36), Volume: 13, Issue: 01, 2015

⁸³ Gallup Pakistan, ‘[Majority of Pakistanis \(85%\) say they met their spouse...](#)’, 21 October 2019

- 5.4.2 Right Law Associates, based in Karachi and Islamabad, which provided advice and services on family law, noted that ‘A marriage without family consent is generally frowned upon.’⁸⁴
- 5.4.3 The HRCP 2018 report noted ‘Women who exercised or attempted to exercise their own choice in partners were subjected to confinement, beatings, and life-ending violence by fathers and brothers. Rejected suitors exacted their revenge by violently attacking women, often with acid to disfigure the women they claimed to want to marry.’⁸⁵
- 5.4.4 The USSD HR Report 2021 noted that ‘Women are legally free to marry without family consent, but society frequently ostracized women who did so, or they risked becoming victims of so-called honor crimes.’⁸⁶
- 5.4.5 Freedom House noted in its Freedom in the World 2022 report, dated 28 February 2022, that:
- ‘In some parts of urban Pakistan, men and women enjoy personal social freedoms and have recourse to the law in case of infringements. However, historically prominent social practices in much of the country subject individuals to social control over personal behavior, and especially choice of marriage partner. Despite successive attempts to abolish the practice, “honor killing,” the murder of men or women accused of breaking social and especially sexual taboos, remains common, and most incidents go unreported.’⁸⁷

See also [‘Honour’ crimes](#).

[Back to Contents](#)

5.5 Lesbian, bisexual and trans (LBT) women

- 5.5.1 For information on LBT women in Pakistan please refer to the Country Policy and Information Note on [Pakistan: Sexual orientation and gender identity or expression](#).

[Back to Contents](#)

5.6 Freedom of movement

- 5.6.1 Information on the free movement of women was limited.
- 5.6.2 Findings from the PDHS 2017-18 indicated that 59% of women were ‘in-migrants’⁸⁸, over 90% of whom reported marriage or accompanying family as the reason for migrating⁸⁹. An ‘in-migrant’ was defined as ‘A person whose district or city of birth within the country is different from her/his district/city of enumeration within the country.’⁹⁰
- 5.6.3 The January 2022 DFAT report noted that ‘Article 15 of the Constitution guarantees the right to freedom of movement in Pakistan. Internal migration is widespread and common, but it depends on having both the financial

⁸⁴ Right Law Associates, [‘Love Marriage or Civil Marriage in Pakistan’](#), 21 May 2022

⁸⁵ HRCP, [‘State of Human Rights in 2018’](#), (page 180), March 2019

⁸⁶ USSD, [‘2021 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 12 April 2022

⁸⁷ Freedom House, [‘Freedom in the World 2022 – Pakistan’](#) (G3), 28 February 2022

⁸⁸ NIPS, [‘Demographic and Health Survey 2017-18’](#) (Figure 17.2, page 331), January 2019

⁸⁹ NIPS, [‘Demographic and Health Survey 2017-18’](#) (page 331), January 2019

⁹⁰ NIPS, [‘Demographic and Health Survey 2017-18’](#) (page 328), January 2019

means and family, tribal and/or ethnic networks to establish oneself in a new location. Single women find it especially difficult to relocate.⁹¹ The report added, 'Without support it is extremely difficult for a woman to relocate to escape an abusive relationship. Women who leave their families face physical risk, stigma and steep economic barriers.'⁹²

- 5.6.4 For general information on freedom of movement, see the [Country Policy and Information Note on Pakistan: Background information, including internal relocation](#).

[Back to Contents](#)

This section was updated on 21 September 2022

6. Adultery and extra-marital relations

6.1 Legal context

- 6.1.1 The offence of zina defines 'adultery' and is covered under the Offence of Zina (Enforcement of Hudood) Ordinance, 1979. This 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 differ⁹³.
- 6.1.2 According to Khan and Piracha, a legal consultancy firm in Islamabad, writing in April 2015, '... no statistics are available for charges/convictions for simple zina (adultery) nor have we been able to find any legal precedent for a conviction on this charge.'⁹⁴ CPIT were unable to find any recent statistics in the sources consulted (see [Bibliography](#)).
- 6.1.3 An article by Professor Razaleigh Muhamat Kawangit of the National University of Malaysia (Universiti Kebangsaan Malaysia), dated 2016, noted: '... based on the general rules for convicting zina (illegal sexual intercourse), the testimony of four eyewitnesses or a criminal confession are the only way of conviction which leads to severe punishment of stoning to death or flogging one hundred lashes. To convict a person for the offence of zina with eyewitness testimony is almost impossible. Throughout history, no one has been convicted of zina by four witnesses. Circumstantial evidence in the absence of direct and positive evidence about penetration does not constitute the offence of zina. Circumstantial evidence may be used as corroboration but cannot be made the basis of conviction for zina.'⁹⁵
- 6.1.4 Speaking in 2017, retired Justice Haziqul Khairi, former chief justice of the Federal Shariat Court and a former judge of the Sindh High Court, said, without providing any context, that '... 1,600 women had been accused of adultery with not a single male accused...', even though the men were equal partners in the act⁹⁶.

⁹¹ DFAT, '[Country Information Report Pakistan](#)' (paragraph 5.23), 25 January 2022

⁹² DFAT, '[Country Information Report Pakistan](#)' (paragraph 3.95), 25 January 2022

⁹³ GoP, '[Offence of Zina \(Enforcement of Hudood\) Ordinance 1979](#)', 9 February 1979

⁹⁴ Khan and Piracha, 20 April 2015, [Annex B](#)

⁹⁵ Kawangit R M, '[Prosecution of Rape: An Impact to the Muslim Community...](#)' (page 2), March 2016

⁹⁶ The News International, '["Iqbal's dream of a state with social and economic..."](#)', 23 November 2017

- 6.1.5 On 24 December 2021 the Lahore High Court (LHC) held that ‘... a woman who re-marries without observing the period of Iddah⁹⁷ (waiting period) after Khula (divorce) cannot be prosecuted under Section 4 of the “Offence of Zina (Enforcement of Hudood) Ordinance 1979” (Hudood Ordinance). The LHC held that re-marriage without observing the period of Iddah cannot be treated as a void marriage. Therefore, it cannot constitute the offence of Zina.’⁹⁸
- 6.1.6 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 5 years and a fine not exceeding 10,000 Rupees for both men and women⁹⁹.
- 6.1.7 An accusation of adultery must be lodged directly with the court. It is considered an offence to make false accusations of adultery and fornication¹⁰⁰.
- 6.1.8 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. An allegation or suspicion of sexual misconduct can be enough to result in such an honour crime (which includes killings as well as other forms of harm)^{101 102} (see also [‘Honour’ crimes](#)).

[Back to Contents](#)

6.2 Unmarried couples and children born outside of marriage

- 6.2.1 As sexual relations outside of marriage are strictly prohibited under the 1979 Hudood Ordinances¹⁰³, having a child outside of marriage can cause social stigma and such children were referred to as ‘harami’, meaning ‘forbidden under Islam’, according to Anwar Kazmi, an official from the welfare agency, the Edhi Foundation, interviewed by Al Jazeera in 2014¹⁰⁴.
- 6.2.2 In correspondence with the British High Commission, dated September 2017, Amna Khan of Khan and Piracha provided their legal opinion on a scenario of an unmarried Pakistani couple living in the UK with a child born out of wedlock:

'Under Muslim Personal Law (also known as Mahomedan Law) marriage may be validly entered into without any ceremony, therefore direct proof of marriage is not always available or required. Where direct proof is not available, indirect proof may suffice. Under Muslim Personal Law, in the absence of direct proof, marriage is presumed on the basis of any of the following facts:

⁹⁷ Iddah refers to the time period a woman observes after dissolution of her marriage or upon the death of her husband

⁹⁸ Tahir R, [‘Lahore High Court's landmark judgement protects women...’](#), 2 May 2022

⁹⁹ GoP, [‘Protection of Women \(Criminal Laws Amendment\) Act 2006’](#), 1 December 2006

¹⁰⁰ GoP, [‘Protection of Women \(Criminal Laws Amendment\) Act 2006’](#), 1 December 2006

¹⁰¹ IRB, [‘Pakistan: Honour killings targeting men and women’](#), 15 January 2013

¹⁰² HRCP, [‘State of Human Rights in 2018’](#), (page 180), March 2019

¹⁰³ GoP, [‘Offence of Zina \(Enforcement of Hudood\) Ordinance 1979’](#), 9 February 1979

¹⁰⁴ Al Jazeera, [‘Infanticide is on the rise in Pakistan’](#), 14 January 2014

- Prolonged and continual cohabitation as husband or wife
- Acknowledgement by the man of the woman as his wife
- Valid acknowledgement by the man of the paternity of the child born to the woman subject to the condition, inter alia, that the child is acknowledged to be legitimate and is not the offspring of adultery, incest or fornication. [Principles of Mahomedan Law by Mulla, Sections 268, 344]

‘... clear and reliable evidence that a Mahomedan has acknowledged children as his legitimate issue raises a presumption of a valid marriage between him and the children’s mother (Imambandi vs. Mutasaddi (1918) 45 I.A. 73.’¹⁰⁵

6.2.3 Khan went on to note ‘... Marriage solemnized under Muslim Family Laws Ordinance, 1961, requires registration but Nikah does not become invalid due to its non-registration. If a person does not report marriage to the Nikah Registrar for the purpose of registration, he may be held liable under the penal provisions of S.5 (4) of the Muslim Family Laws Ordinance, 1961 but Nikah will not be invalidated.’¹⁰⁶

6.2.4 It was Khan’s opinion that:

‘... unless the father of the child refuses to acknowledge the child as his legitimate child, marriage will be presumed from the day the couple commenced together. Hence, given presumption of marriage, such a couple will not be required to re-marry in order to confer legitimacy upon the child and can simply opt for late registration subject to risk of prosecution an imposition of the penal provisions of S5 (4) of the Muslim Family Laws Ordinance, 1961. The prescribed penalty is simple imprisonment of up to 3 months or fine of up to PKR 1000 or both. The fine may not even be imposed if marriage is not denied or disproved and the registrar accepts the fact of a private Nikah, i.e. offer and acceptance in the presence of witnesses having taken place. In fact, to our knowledge, penalty under Section 5 (4) is rarely imposed.’¹⁰⁷

6.2.5 In previous correspondence with the British High Commission, dated April 2015, Khan and Piracha, noted that children could not be registered with the National Database and Registration Authority (NADRA) – thus obtaining a Computerised National Identity Card (CNIC) – without providing the father’s name, except when the child was abandoned or in the care of a registered orphanage. However, in the absence of the father’s name, for example, if it was not recorded on a UK birth certificate, a ‘dummy’ name could be provided¹⁰⁸.

6.2.6 Not having an ID card caused difficulties in accessing vital government-run services. Khan and Piracha stated:

‘The requirement for ID card is becoming increasingly vital for gaining access to admission to educational institutions, employment both in the

¹⁰⁵ Khan and Piracha, 26 September 2017, [Annex A](#)

¹⁰⁶ Khan and Piracha, 26 September 2017, [Annex A](#)

¹⁰⁷ Khan and Piracha, 26 September 2017, [Annex A](#)

¹⁰⁸ Khan and Piracha, 20 April 2015, [Annex B](#)

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.¹⁰⁹

- 6.2.7 In an article published in Courting the Law, 'Pakistan's 1st Legal News and Analysis Portal', dated 15 December 2020, lawyer Ahmed Tariq described the Sunni and Shia legal perspectives on the rights of children born outside of marriage in regard to parental, maintenance and inheritance rights, asserting among other things that 'Under Islamic law, a child born out of wedlock is considered filius nullius ("a son of nobody") and considered to own no lineage to the biological father.'¹¹⁰

[Back to Contents](#)

This section was updated on 21 September 2022

7. Sexual and gender-based violence

7.1 Overview

- 7.1.1 The Legal Aid Society (LAS), a not-for-profit NGO aiming to reduce challenges in accessing justice for marginalized and underprivileged communities¹¹¹, noted:

'In Pakistan, there is a consensus on the growing rates of sexual and gender based violence (SGBV). SGBV is a nationwide epidemic with alarmingly low conviction rates. While SGBV is largely prevalent in the country, due to shame and honor, cases of SGBV are rarely reported to save the family's name and if reported, solved through out of court settlements. Patriarchal socio-cultural norms and a gender insensitive criminal justice system (CJS) couple to give low convictions rates due to approaches that blame the victim, deploy weak investigation and prosecution procedures, and long protracted trials in uncomfortable environments. As a result, one is left with a system that does nothing to provide the sexual assault survivors with justice and only further compounds their issues resulting in an extremely unequal society.'¹¹²

- 7.1.2 A September 2021 publication by the Asian Development Bank (ADB), which provided an 'analysis of applicable legal norms to make justice more accessible to victims of gender-based violence', cited a 2020 Islamabad High Court case, which 'denounced cultural norms that not only tolerate but support violence against women':

"In defiance of the explicit commands of Islam, child marriage, rape and honour killings are not uncommon in our society today. Women are forced into marriage against their will. Heinous traditions of Karokari ['honour' killing], Swara [or] Wani [girls given in marriage as a form of compensation]¹¹³ and other forms of exploitation are being practiced in a

¹⁰⁹ Khan and Piracha, 20 April 2015, [Annex B](#)

¹¹⁰ Tariq A, '[Rights of Illegitimate Children in Pakistan: Sunni and Shia Law...](#)', 15 December 2020

¹¹¹ LAS, '[Overview of Organization](#)', no date

¹¹² LAS, '[Brief – Sexual and Gender Based Violence](#)', no date

¹¹³ Dawn, '[A despicable custom](#)', 27 October 2021

State where 97% of the population professes to be Muslim. The tribal and other societal norms seem to have taken precedence over the Islamic injunctions. Female children are not safe... The alarming aspect is that there is no outrage against the practices and mindsets which are a blatant violation of the unambiguous injunctions of Islam. The practices and attitudes highlighted above are prevalent in our society and are public knowledge. Evidence of these practices are the female victims whose heartrending stories are heard by the Courts across the country on a daily basis. These norms are not only offensive but blasphemous".¹¹⁴

See also [Informal justice systems](#).

- 7.1.3 Writing in September 2021 on gender-based violence in Pakistan, Aisha Ayub a lawyer, activist and researcher based in Lahore, stated:
- 'The majority of women who are victims of gender-based violence, activists contend, are from the country's low and middle classes and their deaths are often not recorded, or disregarded.
- 'Women's lives in rural areas differ considerably from those in metropolitan places such as Islamabad, where they enjoy relative safety. Landlords retain social, economic and political clout in rural parts of the country, where feudal structures persist and the administration and police often function subserviently to these chieftains.'¹¹⁵
- 7.1.4 The 2021 WPS Index stated that 'As elsewhere in the world, two key aspects of women's security – organized violence and current intimate partner violence – are closely related across Pakistan. Women in the provinces with the highest rates of organized violence also face the highest rates of current intimate partner violence, underlining the amplified risks of violence at home in the vicinity of conflict.'¹¹⁶
- 7.1.5 Providing further information on provincial variations of threats of violence at home and in general, the 2021 WPS Index noted:
- 'Balochistan and KPK had the highest rates of intimate partner violence in Pakistan – Balochistan at 35 percent and KPK at 24 percent. Women's rights groups report that gender-based violence increased during the pandemic, when women were forced to stay at home. Human rights groups report more than 1,000 "honor killings" of women annually. The two provinces are also marked by protracted conflict, causing high levels of civilian casualties and displacement.'¹¹⁷
- 7.1.6 The same report cited higher rates of violence '... faced by women in some of Pakistan's federally administered territories and so-called special regions, which are not official provinces. It has been reported that in those regions, 56 percent of girls experience gender-based physical violence by the age of 15. More than 95 percent of women in those regions believe that their

¹¹⁴ ADB, '[Court Companion on Gender-Based Violence Cases](#)' (page 7), September 2021

¹¹⁵ Ayub A, '[Pakistan is a chronic case of gender-based violence](#)', 1 September 2021

¹¹⁶ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

¹¹⁷ GIWPS, '[Consistently low rates of women's inclusion across Pakistan's provinces](#)', 2021

husbands are justified in beating them during domestic disagreements or as punishment.’¹¹⁸

- 7.1.7 The Punjab Women Helpline 1043, managed and supervised by the Punjab Commission on the Status of Women, recorded an increase in all forms of gender-based violence (GBV) in 2021, when it received 24,296 calls, compared to 22,947 calls received in 2020¹¹⁹.
- 7.1.8 According to official provincial data obtained by the Sustainable Social Development Organisation (SSDO) using Right to Information (RTI) laws, there were 27,182 registered cases of violence against women (VAW – defined by the SSDO as predominantly physical assault¹²⁰) across all provinces, including Islamabad, for the period January to December 2021 (although Balochistan and KPK only provided 6 months of data)¹²¹. The majority of VAW cases (25,751) were recorded in Punjab¹²², an increase of 255% compared to the 7,239 cases registered in the province in 2020¹²³.
- 7.1.9 In addition, the SSDO report, also citing official data, recorded 4,753 rape cases, 990 cases of domestic violence and 381 ‘honour’ killings across Pakistan during 2021¹²⁴.

See also [Domestic violence](#), [‘Honour’ crimes](#) and [Rape](#).

[Back to Contents](#)

7.2 Child and forced marriage

- 7.2.1 UN Women stated in a study on child marriage conducted in 2020 and developed in partnership by the NCSW and UN Women, that:
- ‘Pakistan has the 6th highest number of women married before the age of 18 in the world. Child marriage is prevalent in Pakistan due to several reasons including deeply entrenched traditions and customs, poverty, lack of awareness and/or access to education, and lack of security. Girls are married off young because their parents cannot afford to feed and educate them, and they pass on the “responsibility” to another family. Dropping out of school is both a cause and a consequence of child marriage.’¹²⁵
- 7.2.2 The USSD HR Report 2021 noted that:
- ‘Despite legal prohibitions, child marriages occurred. Federal law sets the legal age of marriage at 18 for men and 16 for women, and a law in Sindh sets 18 as the legal age of marriage for both boys and girls. According to UNICEF, 21 percent of girls were married by the age of 18...

¹¹⁸ GIWPS, [‘Consistently low rates of women’s inclusion across Pakistan’s provinces’](#), 2021

¹¹⁹ HRCP, [‘State of Human Rights in 2021’](#) (page 38), 2022

¹²⁰ SSDO, [“Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021”](#) (page 13), 2022

¹²¹ SSDO, [“Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021”](#) (pages 19, 25, 29, 34, 38), 2022

¹²² SSDO, [“Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021”](#) (page 19), 2022

¹²³ SSDO, [‘Tracking Numbers: State of Violence against Women & Children, Comparative Analysis 2020 vs 2021, Punjab Sindh and Islamabad’](#) (page 1), no date

¹²⁴ SSDO, [“Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021”](#) (pages 19, 25, 29, 34, 38), 2022

¹²⁵ NSCW, [‘Costing study on child marriage in Pakistan’](#) (page 2), 2020

'The Council of Islamic Ideology has declared child marriage laws to be un-Islamic, noting they were "unfair and there cannot be any legal age of marriage." The council stated that Islam does not prohibit underage marriage since it allows the consummation of marriage after both partners reach puberty. Decisions of the council are nonbinding.'¹²⁶

- 7.2.3 In a report on marriage laws dated April 2022, Pakistan television channel, Geo News, noted 'Technically, it is illegal in Pakistan to marry before the age of 16. Yet, child marriages are prevalent in the country.'¹²⁷ The report went on to cite some of the laws and penalties at a provincial level:

'Sindh

'In 2014, the Sindh Assembly unanimously adopted the Sindh Child Marriage Restraint Act, which raised the legal minimum age of marriage for boys and girls to 18 years. It further made the act a punishable offence. A man, above 18 years, who contracts a child marriage, could now be imprisoned for three years. Men who solemnised an underage marriage can also be locked up for two to three years. Even the parents or guardians, who authorised the marriage, can be prosecuted for failing to prevent it.

'Punjab

'In 2015, Punjab amended the Child Marriage Restraint Ordinance 1971 and passed the Punjab Marriage Restraint Act 2015. It increased the imprisonment and fines but kept the legal age of marriage at 16 years.

'Khyber Pakhtunkhwa

'In 2016, the Khyber Pakhtunkhwa assembly failed to pass Khyber Pakhtunkhwa Child Marriage Restraint Bill 2014, which would have raised the age of marriage to 18 years.

'Balochistan also continues to be governed by the Child Marriage Restraint Act 1929.'¹²⁸

- 7.2.4 According to media sources, in February 2020, during a hearing into the alleged abduction, forced conversion to Islam and marriage of a 14 year old Catholic girl, the Sindh High Court ruled in contravention of the Sindh Child Marriage Restraint Act after declaring that, under Sharia law, men can marry underage girls after they have experienced their first menstrual cycle^{129 130}.

See also [Marriage, divorce and inheritance rights](#).

- 7.2.5 A study on the impact of coronavirus (COVID-19) on women, undertaken by women's rights group, Shirkat Gah, between July and August 2020, which engaged 347 women, 180 men and 9 trans persons, assessed gender-specific implications of pandemic-induced lockdown in 10 districts of Sindh, Punjab, and Khyber Pakhtunkhwa¹³¹. In regards to child early age marriages (CEAM), the report's findings were mixed:

¹²⁶ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

¹²⁷ Geo News, '[Child marriage: What are the laws in Pakistan?](#)', 26 April 2022

¹²⁸ Geo News, '[Child marriage: What are the laws in Pakistan?](#)', 26 April 2022

¹²⁹ Al Bawaba, '[New Pakistan Law That Allows Men to Marry Underage Girls...](#)', 6 February 2020

¹³⁰ Asia News, '[Court rules that a girl who's had her first period can marry...](#)', 5 February 2020

¹³¹ Shirkat Gah, '[The Gendered Impact of COVID19 The Shadow...](#)' (page 6), December 2020

'Most people concurred that the lockdown delayed marriages, regardless of age. There is a feeling that where this is a common practice, it will continue regardless of external factors; others that CEAM is no longer practiced by their community. Yet the limited responses linking CEAM and COVID-19 induced circumstances were telling. These identified two key drivers: parents resorting to marrying daughters – considered to be a financial burden – at early ages to cope with the pandemic-induced financial pressure; and people taking advantage of the greatly reduced costs of unique COVID regulations to expedited marriages, regardless of age. One woman also suggested the restrictions allowed people to covertly marry off underage girls in low profile events.'¹³²

7.2.6 The same report noted 'An added risk relates to girls not returning to school after prolonged closures either because they are helping out in domestic chores or because families with less income can no longer afford to support their education. Out-of-school girls are always at a higher risk of being married off early. Months after the data was collected (August 2020) these predictions have started being confirmed by CSOs [civil society organisations] on ground.'¹³³

7.2.7 According to the USSD HR Report 2021:

'In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes. Although forced marriage is a criminal offense, in many filed cases, prosecution remained limited... An individual convicted of child marriage may be imprisoned for no less than five years and no more than 10 years and may also be fined. At times, men would evade Sindh child marriage law by traveling to a different province for the marriage.'¹³⁴

7.2.8 The DFAT January 2022 report noted:

'Forced and underage marriage is a widespread problem in Pakistan. Religious minorities are at particular risk... A frequently-quoted estimate is that about 1,000 forced marriages take place in Pakistan each year. While the marriage age for girls is technically 16, Islamic jurisprudence provides for girls to be married once they reach puberty. Girls as young as 12 have been abducted, raped, threatened with violence and, in some cases, forcibly converted to Islam. In tribal areas, forced marriages are sometimes ordered by traditional jirga councils under a custom known as badal-e-sulah, where girls and young women are given away to settle blood feuds or land disputes among men.'¹³⁵

7.2.9 According to official data obtained by the SSDO there were 47 registered cases of child marriage across all provinces, including Islamabad, for the period January to December 2021 (although Balochistan and KPK only provided 6 months of data)¹³⁶.

¹³² Shirkat Gah, '[The Gendered Impact of COVID19 The Shadow...](#)' (page 3), December 2020

¹³³ Shirkat Gah, '[The Gendered Impact of COVID19 The Shadow...](#)' (page 3), December 2020

¹³⁴ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

¹³⁵ DFAT, '[Country Information Report Pakistan](#)' (paragraph 3.97), 25 January 2022

¹³⁶ SSDO, '[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)' (pages 19, 25, 29, 34, 38), 2022

7.3 Domestic violence

- 7.3.1 The HRCP noted in its 2018 annual report that ‘The overwhelming majority of violent deaths of women were at the hands of men known to them, most often family members. “Honour” was cited in murders of women committed by fathers, husbands, brothers, and in-laws, although further investigations revealed much less lofty motivations.’¹³⁷ (see also [‘Honour’ crimes](#)).
- 7.3.2 In a study exploring the economic and social costs of violence against women and girls (VAWG), published in April 2019, the Social Policy and Development Centre (SPDC), a non-profit, non-partisan think tank based in Karachi, found that ‘... the home is the most dangerous location for women in Pakistan. Violence by an intimate partner and by other family members ([for example] in-laws, parents, siblings) were the most common forms of violence experienced, with 24% of respondents experiencing one or both of these forms of violence in the past 12 months.’¹³⁸
- 7.3.3 The SPDC identified some of the factors affecting intimate partner violence (IPV):
- ‘Education: Married women, who completed their education up to secondary level (grades eight to ten) were more vulnerable to IPV than women without any formal education. However, the likelihood of IPV substantially declined among married women with tertiary education or technical education.
 - ‘Employment status: employed women, other than fixed salary employees, were at a higher likelihood of IPV, compared to those married women who were not employed. The finding may indicate a form of punitive or controlling behaviour when women are seen to transgress gendered social roles.
 - ‘Child marriage: Women married before 18 years were more likely to experience IPV compared to women married at 18 years old or older.
 - ‘Other family violence: Married women experiencing violence from other family members were more likely to have experienced IPV.
 - ‘Trust in authorities: Women from communities where local authorities and police are not trusted were more vulnerable to IPV.’¹³⁹
- 7.3.4 The report also noted that, ‘Younger women (under 40 years old) are at a higher risk of IPV. This finding is also consistent across all types of violence i.e. psychological, physical and combined physical/sexual.’¹⁴⁰
- 7.3.5 Amnesty International noted in its report on the human rights situation covering 2021 that:
- ‘In April, parliament passed the Domestic Violence (Prevention and Protection) Bill 2021. However, in July, an adviser to the Prime Minister,

¹³⁷ HRCP, [‘State of Human Rights in 2018’](#), (page 179), March 2019

¹³⁸ SPDC, [‘Economic and Social Costs of Violence Against Women...’](#) (page 7), April 2019

¹³⁹ SPDC, [‘Economic and Social Costs of Violence Against Women...’](#) (page 17), April 2019

¹⁴⁰ SPDC, [‘Economic and Social Costs of Violence Against Women...’](#) (page 18), April 2019

Babar Awan, asked for the bill to be reviewed by the Council of Islamic Ideology – an advisory body – to allay the concerns of conservative parties about the law being misaligned with Pakistan’s “social values”. The government denied any official request had been made, and any feedback provided by the Council was not made public. The draft legislation was referred back to parliament, after the review of the Senate Standing Committee on Human Rights, where it remained pending.’¹⁴¹

- 7.3.6 The Domestic Violence (Prevention and Protection) Bill 2021 remained pending at the time of writing.
- 7.3.7 Provincial laws aimed at protecting women from domestic violence included: The Punjab Protection of Women against violence Act 2016, Sindh Domestic Violence (prevention and protection) Bill 2013, Baluchistan Domestic Violence (prevention and Protection) Bill 2014, and The Khyber Pakhtunkhwa Domestic Violence Against Women (Prevention and Protection) Act, 2021^{142 143}.
- 7.3.8 In May 2019 Dawn reported that ‘The Sindh and Balochistan laws criminalise domestic abuse, so they set forth criminal penalties including imprisonment or fines. Under the Punjab legislation, it’s treated as a civil infraction but it prescribes certain preventive and remedial measures such as protection orders, financial compensation; those exist in the Sindh and Balochistan laws also.’¹⁴⁴
- 7.3.9 The Shirkat Gah report on the impact of COVID-19 on women stated ‘Gender-based violence (GBV) against women and girls pre-dates the COVID-19 pandemic.’ Citing figures from the PDHS 2017-18, the report noted that ‘In Pakistan, 28 percent of women/girls aged 15-49 years have experienced physical violence, 6 percent sexual violence. A third of ever-married women (34%) have been subjected to physical, sexual, or emotional violence by their husbands; 7 percent have survived violence during pregnancy. The most common forms of spousal violence are emotional (26%) and physical (23%).’¹⁴⁵
- 7.3.10 The News on Sunday (part of The News International group) noted in June 2020 that, according to the HRCP, the ‘... most common forms of domestic abuse are shouting or yelling (76 percent), slapping (52 percent), threatening (49 percent), pushing (47 percent), punching (40 percent) and kicking (40 percent).’¹⁴⁶
- 7.3.11 The Shirkat Gah report noted that the intensity and frequency of GBV increased during COVID-19, and also stated ‘Some domestic violence ended in separations and divorce; some resulted in hospitalisation. Isolated reports emerged of girls being sexually abused and raped in overcrowded homes. Women and girls living with disabilities suffered immensely, confronting

¹⁴¹ Amnesty International, ‘[The State of the World’s Human Rights; Pakistan 2021](#)’, 29 March 2022

¹⁴² White Ribbon Pakistan, ‘[Laws and remedies](#)’ (Domestic violence), no date

¹⁴³ NCSW, ‘[List of Federal and Provincial Pro-Women Laws](#)’, no date

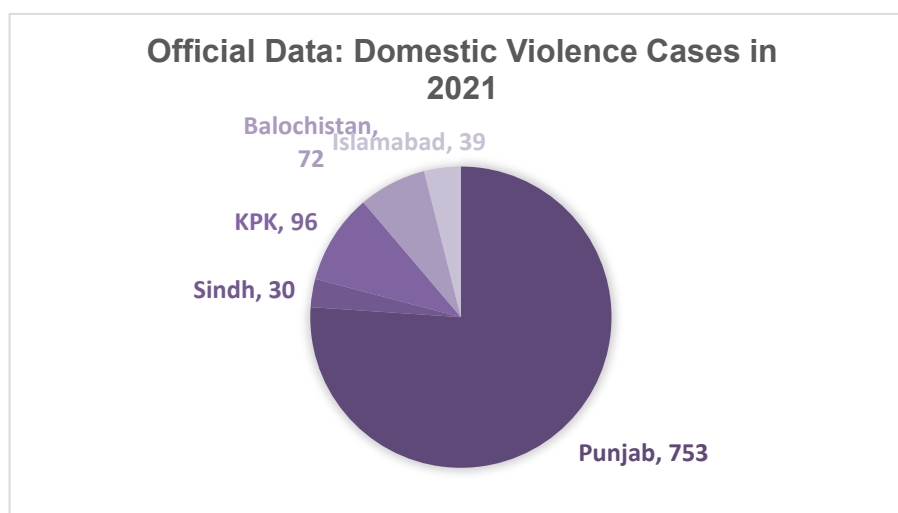
¹⁴⁴ Dawn, ‘[What are your options if you’re a victim of domestic abuse in Pakistan?](#)’, 28 May 2019

¹⁴⁵ Shirkat Gah, ‘[The Gendered Impact of COVID19 The Shadow...](#)’ (page 1), December 2020

¹⁴⁶ News on Sunday, ‘[Locked down and vulnerable](#)’, 28 June 2020

verbal and physical abuse and maltreatment at the hands of various family members.’¹⁴⁷

- 7.3.12 Reporting on the year 2021, the SSDO stated that ‘Domestic Violence is a common phenomenon, however, it always goes underreported in Pakistan. There is a host of reasons for this, but mainly it is due to the victim’s family that slows the pace of reporting or in many cases, not reporting at all.’¹⁴⁸
- 7.3.13 According to the 2021 WPS Index ‘Balochistan and KPK had the highest rates of intimate partner violence in Pakistan – Balochistan at 35 percent and KPK at 24 percent.’¹⁴⁹
- 7.3.14 The pie chart below documents 990 domestic violence cases in 2021, according to official figures (data for Balochistan and KPK is for 6 months only), as cited by the SSDO¹⁵⁰:



[Back to Contents](#)

7.4 ‘Honour’ crimes

7.4.1 A 2013 response by the Immigration and Refugee Board of Canada (IRB) defined ‘honour’ crimes, which usually take place when a man claims that a woman has brought dishonour to the family, and which include murder (‘honour killing’), assault, acid throwing, confinement, imprisonment, interference with a choice of marriage, burning, and nose-cutting, which were most common in rural areas of Pakistan although such incidents also occurred in urban areas. The majority of victims were women, though men were also affected¹⁵¹.

7.4.2 In October 2019, journalist Umer Beigh¹⁵² wrote:

‘The prevalent custom of honour killing is widespread in rural areas of Pakistan, especially in the four provinces of Punjab, Balochistan, Sindh and

¹⁴⁷ Shirkat Gah, ‘[The Gendered Impact of COVID19 The Shadow...](#)’ (page 3), December 2020

¹⁴⁸ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (page 4), 2022

¹⁴⁹ GIWPS, ‘[Consistently low rates of women’s inclusion across Pakistan’s provinces](#)’, 2021

¹⁵⁰ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (pages 19, 25, 29, 34, 38), 2022

¹⁵¹ IRB, ‘[Pakistan: Honour killings targeting men and women](#)’, 15 January 2013

¹⁵² New Frame, ‘[Umer Beigh](#)’, no date

Khyber Pakhtunkhwa. When a woman is found or suspected of being involved in an extramarital or premarital affair, she is deemed to have brought shame on the entire community and especially her family. The family is then pressurised to kill the woman and her partner. The male members of the family justify their criminal act as being necessary to restore the family's honour, by washing away the immorality. Often the killing is termed a "moral responsibility".¹⁵³

7.4.3 The USSD HR Report 2021 noted that:

'Several laws criminalize so-called honor killings and other acts committed against women in the name of traditional practices. Despite these laws, hundreds of women reportedly were victims of so-called honor killings, and many cases went unreported and unpunished. In many cases officials allowed the man involved in the alleged "crime of honor" to flee. Because these crimes generally occurred within families, many went unreported. Police and NGOs reported increased media coverage enabled law enforcement officers to take some action against these crimes.'¹⁵⁴

7.4.4 The HRCP 2021 annual report noted that 'Eliminating honour crimes remains difficult in a culture of impunity and the government's inability to deliver justice to GBV survivors. The system has also been unable to root out acid attacks despite the Acid and Burn Crime Bill 2017 passed by the National Assembly in 2018.'¹⁵⁵

7.4.5 According to the January 2022 DFAT report:

'Honour killings can be carried out in response to behaviour including refusing an arranged marriage, forming an unapproved romantic attachment, or "immodest" dress or behaviour, including social media posts. While young men can be targets of honour killing, most victims are female. Once a threat of honour killing is established, the victim remains at risk even if he or she relocates. In some cases, victims have been killed years after the initial transgression. In tribal areas honour killings are sometimes ordered by traditional jirga councils.'¹⁵⁶

7.4.6 The IRB cited the HRCP as saying in 2006 that 'statistics show an average of 1,000 honour killings each year.'¹⁵⁷ Since then, media reports and Human Rights Watch have repeatedly cited this figure^{158 159 160 161 162}.

7.4.7 According to its own media monitoring, as well citing official figures, the HRCP reported the number of 'honour' killings in its annual reports dated from 2011 to 2019, reproduced in the chart below. These figures included the 'honour' killings of mostly women, but also men and girls:

¹⁵³ Beigh U, '[An epidemic of honour killing in Pakistan](#)', 28 October 2019

¹⁵⁴ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

¹⁵⁵ HRCP, '[State of Human Rights in 2021](#)' (page 39), 2022

¹⁵⁶ DFAT, '[Country Information Report Pakistan](#)' (paragraph 3.96), 25 January 2022

¹⁵⁷ IRB, '[Pakistan: Honour killings targeting men and women, especially in the...](#)', 24 January 2007

¹⁵⁸ Express Tribune, '[Nearly 1,000 Pakistan women "killed for honour"](#)', 22 March 2012

¹⁵⁹ Washington Post, '[In Pakistan, 1,000 women die in "honor killings" annually...](#)', 28 May 2014

¹⁶⁰ HRW, '[Pakistan Should Not Again Fail "Honor Killing" Victim](#)', 22 August 2019

¹⁶¹ HRW, '[World Report 2021 – Pakistan](#)', 13 January 2021

¹⁶² HRW, '[World Report 2022 – Pakistan](#)', 13 January 2022

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
	163	164	165	166	167	168	169	170	171
honour killings	943	917	869	1005	1184	57*	309**	793	- ***

* HRCP reported there were hundreds of ‘honour’ killings across the country in 2016, but only cited 13 in Gilgit Baltistan and 40 in Khyber Pakhtunkhwa

** official police figures obtained by HRCP. In 2017, HRCP media monitoring indicated a higher number of honour killings than in previous years, though exact figures were not cited

*** HRCP 2019 annual report did not provide a total figure, instead citing some official figures for Sindh, and individual cases. It noted that Punjab province accounted for the highest proportion overall.

- 7.4.8 Punjab Police recorded 3,154 ‘honour’ killings in the province between 2011 and 2021¹⁷². Sindh Police recorded 572 ‘honour’ killings (denoted as karo kari) between 2017 and 2021 (statistics prior to 2017 were not available on the Sindh Police website)¹⁷³.
- 7.4.9 In 2020, the HRCP cited the number of reported ‘honour’ killings obtained from both press reports and official police statistics – differences in data were explained by the HRCP as either a reluctance to report crimes, or that not all such crimes were reported by the media. Based on press reports, there were 430 recorded cases of ‘honour’ killings in 2020 (148 male and 363 female victims) across Pakistan¹⁷⁴.
- 7.4.10 Official figures from the Punjab Police recorded 237 ‘honour’ killings in 2020, whilst the HRCP identified 226 ‘honour’ killings in Punjab from press reports, which included 37 male and 189 female victims¹⁷⁵. In Sindh, the HRCP reported 215 victims of ‘honour’ killings – 79 male and 136 female, according to press reports¹⁷⁶. In contrast, Sindh Police recorded 126 ‘honour’ crimes¹⁷⁷. KPK police reported 81 ‘honour’ crimes, whereas in the same province the press reported 21 female and 21 male ‘honour’ killing victims¹⁷⁸. The Balochistan police recorded 47 victims of ‘honour’ crimes and one case was recorded in the Islamabad Capital Territory (ICT)¹⁷⁹. The HRCP did not cite any cases from the press in Balochistan or the ICT.

¹⁶³ HRCP, ‘[State of Human Rights in 2011](#)’ (pages 6 and 167), March 2012

¹⁶⁴ HRCP, ‘[State of Human Rights in 2012](#)’ (pages 7 and 68), March 2013

¹⁶⁵ HRCP, ‘[State of Human Rights in 2013](#)’ (pages 6 and 180), March 2014

¹⁶⁶ HRCP, ‘[State of Human Rights in 2014](#)’ (pages 7 and 217), March 2015

¹⁶⁷ HRCP, ‘[State of Human Rights in 2015](#)’ (pages 12 and 15), March 2016

¹⁶⁸ HRCP, ‘[State of Human Rights in 2016](#)’ (pages 47 and 159), March 2017

¹⁶⁹ HRCP, ‘[State of Human Rights in 2017](#)’ (page 167), March 2018

¹⁷⁰ HRCP, ‘[State of Human Rights in 2018](#)’ (page 71), March 2019

¹⁷¹ HRCP, ‘[State of Human Rights in 2019](#)’, March 2020

¹⁷² Punjab Police, ‘[Honour Killing Reported Cases \(2011-2021\)](#)’, no date

¹⁷³ Sindh Police, ‘[Crime Statistics for Sindh Province](#)’ (see crime figures for years 2018 to 2021)

¹⁷⁴ HRCP, ‘[State of Human Rights in 2020](#)’ (page 16), 2021

¹⁷⁵ HRCP, ‘[State of Human Rights in 2020](#)’ (pages 25 and 33), 2021

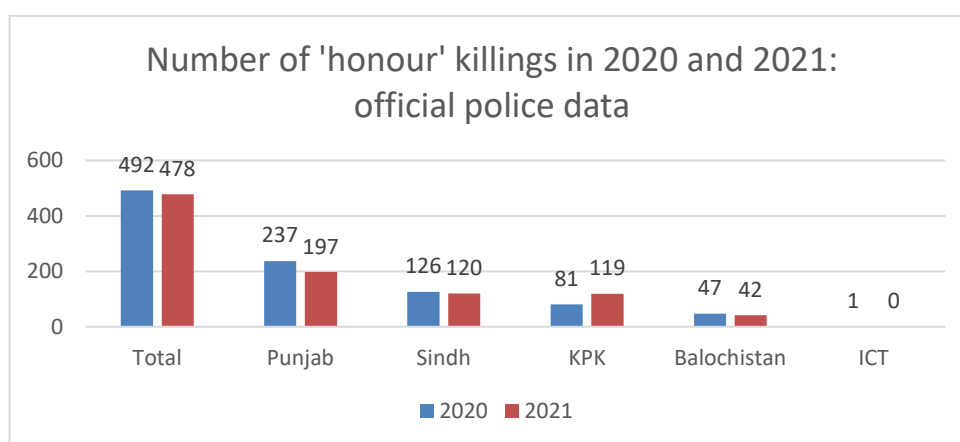
¹⁷⁶ HRCP, ‘[State of Human Rights in 2020](#)’ (page 50), 2021

¹⁷⁷ HRCP, ‘[State of Human Rights in 2020](#)’ (pages 56 and 68), 2021

¹⁷⁸ HRCP, ‘[State of Human Rights in 2020](#)’ (pages 85 and 93), 2021

¹⁷⁹ HRCP, ‘[State of Human Rights in 2020](#)’ (pages 111 and 135), 2021

- 7.4.11 According to information provided by the province’s police forces, HRCP noted that 478 ‘honour’ killings were registered in 2021, which included 197 in Punjab, 120 in Sindh, 119 in KPK and 42 in Balochistan. None were recorded in the ICT¹⁸⁰. The 2021 figures did not include a full breakdown of crimes according to sex or gender, except for Sindh where the HRCP recorded 79 male and 136 female victims, based on media reporting. The HRCP report also noted that ‘couples’ were killed in the name of honour¹⁸¹.
- 7.4.12 The SSDO recorded 381 ‘honour’ killings in 2021, according to official figures¹⁸², which included 197 in Punjab and 106 in Sindh¹⁸³. The KPK government provided data to the SSDO for the first 6 months of 2021 and reported 50 ‘honour’ killings¹⁸⁴. Balochistan registered 28 ‘honour’ killings between July and December 2021¹⁸⁵. According to the SSDO report, there were no reported ‘honour’ killings in Islamabad during 2021¹⁸⁶.
- 7.4.13 The number of ‘honour’ killings per province, based on official data obtained by the HRCP and cited in its annual reports for 2020¹⁸⁷ and 2021¹⁸⁸ (shown in the chart below), were around half the estimated 1,000 annual ‘honour’ killings cited by HRW in its reports covering the same period^{189 190}.



[Back to Contents](#)

7.5 Rape

7.5.1 The USSD HR Report 2021 noted that:

¹⁸⁰ HRCP, ‘[State of Human Rights in 2021](#)’ (pages 31, 55, 81, 110 and 136), 2022

¹⁸¹ HRCP, ‘[State of Human Rights in 2021](#)’ (pages 93, 176 and 227), 2022

¹⁸² SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (pages 19, 25, 29, 34, 38), 2022

¹⁸³ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (pages 19 and 25), 2022

¹⁸⁴ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (page 29), 2022

¹⁸⁵ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (page 34), 2022

¹⁸⁶ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (page 38), 2022

¹⁸⁷ HRCP, ‘[State of Human Rights in 2020](#)’ (pages 25, 56, 85, 111 and 135), 2021

¹⁸⁸ HRCP, ‘[State of Human Rights in 2021](#)’ (pages 31, 55, 81, 110 and 136), 2022

¹⁸⁹ HRW, ‘[World Report 2021 – Pakistan](#)’, 13 January 2021

¹⁹⁰ HRW, ‘[World Report 2022 – Pakistan](#)’, 13 January 2022

'Rape is a criminal offense, with punishment for conviction that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for conviction of two or more persons of rape is death or life imprisonment. The law does not explicitly criminalize spousal rape and defines rape as a crime committed by a man against a woman. Although rape was frequent, prosecutions were rare.'¹⁹¹

- 7.5.2 On 5 January 2021, Al Jazeera reported that 'A Pakistani court has banned the use of virginity tests on female rape survivors in a landmark ruling that is being lauded by women's rights activists. The Lahore High Court on Monday ruled that the tests, conducted as a matter of routine by medico-legal examiners in rape cases across the South Asian country, were "invasive and an infringement on the privacy of a woman to her body".'¹⁹²
- 7.5.3 However, according to sources, virginity testing still occurred and its prohibition had not been passed into law^{193 194}.
- 7.5.4 In November 2020, The News International noted that 'According to official data, 18,609 rape cases were registered in Punjab during the last six years, 1,873 in Sindh, 1,183 in KP, 129 in Balochistan, 210 in Islamabad.'¹⁹⁵
- 7.5.5 The HRCP reported that 5,279 rape cases, including gang rape, were registered across Pakistan in 2021¹⁹⁶ compared to 4,758 in 2020¹⁹⁷. According to official figures obtained by the SSDO, there were 4,753 rape cases recorded throughout Pakistan in 2021¹⁹⁸.
- 7.5.6 In 2021, most cases (4,329 rape and 269 gang rape) were reported in Punjab province¹⁹⁹.

[Back to Contents](#)

7.6 Workplace harassment

- 7.6.1 The Protection against Harassment of Women at the Workplace (Amendment) Bill, 2022, was enacted on 14 January 2022, which Dawn reported '... increased the ambit and scope of the law to include certain professions and employment models that the current legislation did not expressly mention, and provided protection from harassment to people engaged in all types of work – formal and informal.'²⁰²
- 7.6.2 HRW noted that the law '... streamlines the complaints process and includes

¹⁹¹ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

¹⁹² Al Jazeera, '[Pakistan court bans virginity tests for rape survivors](#)', 5 January 2021

¹⁹³ The Fuller Project, '["The Pain Was Unbearable": Thousands of Women...](#)', 17 September 2021

¹⁹⁴ ADB, '[Court Companion on Gender-Based Violence Cases](#)' (page 144), September 2021

¹⁹⁵ The News International, '[11 rape incidents reported in Pakistan every day...](#)', 13 November 2020

¹⁹⁶ HRCP, '[State of Human Rights in 2021](#)' (page 19), 2022

¹⁹⁷ HRCP, '[State of Human Rights in 2020](#)' (pages 25, 56, 85, 111 and 135), 2021

¹⁹⁸ SSDO, '[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)' (pages 19, 25, 29, 34, 38), 2022

¹⁹⁹ HRCP, '[State of Human Rights in 2021](#)' (page 31), 2022

²⁰⁰ Dawn, '[National Assembly passes amended anti-harassment bill](#)', 15 January 2022

specific protections to prevent retaliation.²⁰¹

- 7.6.3 The SSDP noted that according to media reports there were 29 cases of workplace harassment in 2021. However, the SSDO added ‘In a culture w[h]ere talking about such issue are [sic] already taboo and surrounded by the conspiracy of silence, many cases of such nature go unreported...’²⁰² The only province which provided official figures on workplace harassment was Sindh, which cited 109 cases²⁰³.

[Back to Contents](#)

This section was updated on 21 September 2022

8. State treatment and attitudes

8.1 Implementation and enforcement of laws protecting women

- 8.1.1 For general information on the criminal justice system, see the [Country Policy and Information Note on Pakistan: Actors of protection](#).
- 8.1.2 The LAS noted that ‘Despite extensive legislative efforts, there is hardly any implementation of the laws relating to sexual and gender based violence which leads to extremely low conviction rates creating an urgent need to capacitate the criminal justice system and its related actors to work more efficiently and collaboratively while also working towards primary, secondary and tertiary responses to sexual and gender based violence.’²⁰⁴
- 8.1.3 When mentioning the high incidence of sexual and gender-based violence in 2019 and 2020, the Punjab Gender Parity Report of the Punjab Commission on the Status of Women (PCSW), based on official data provided by government departments including federal, provincial and district-level offices, noted that ‘While the criminal justice system struggled to award convictions to perpetrators, trends depict overwhelming impunity for perpetrators due to rampant corruption, insufficient and incorrect evidence collection, biases and discrimination against women, and socio-cultural norms that limit reporting of [violence against women] VAW.’²⁰⁵
- 8.1.4 According to the USSD HR Report 2021:
‘The government did not effectively enforce the Women’s Protection Act, which brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. The law prohibits police from arresting or holding a female survivor overnight at a police station without a civil court judge’s consent. The law requires a survivor to complain directly to a sessions court, which tries heinous offenses. After recording the survivor’s statement, the sessions court judge files a complaint, after which police may make arrests. NGOs reported the procedure created barriers for rape survivors who could not

²⁰¹ HRW, ‘[Pakistan’s New Law Aims to Protect Women in Workplace](#)’, 20 January 2022

²⁰² SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (page 16), 2022

²⁰³ SSDO, ‘[Tracking Numbers: State of Violence against Women and Children District wise Analysis, January – December 2021](#)’ (page 25), 2022

²⁰⁴ LAS, ‘[Brief – Sexual and Gender Based Violence](#)’, no date

²⁰⁵ PCSW, ‘[Punjab Gender Parity Report 2019 & 2020](#)’ (page viii), 2021

travel to or access the courts. NGOs continued to report that rape was a severely underreported crime.²⁰⁶

[Back to Contents](#)

8.2 Access to justice

8.2.1 The CEDAW noted in its concluding observations on the fifth periodic report of Pakistan, dated 10 March 2020, that:

'The Committee welcomes the State party's efforts to increase access to justice for women and girls. It further welcomes the establishment, in 2017, of the first gender-based violence court in the Lahore High Court, which has dealt with 123 cases involving gender-based violence against women, and the establishment of 16 family courts in the District Headquarters of Punjab. The Committee notes that, in the Alternate Dispute Resolution Act of 2017, parallel legal systems and informal dispute resolution mechanisms, including jirgas and panchayats, are formally recognized, incorporated into the mainstream judicial system and subjected to judicial and administrative overview. The Committee remains concerned that these systems may discriminate against women and girls. It also remains concerned about the limited awareness among women and girls of their rights, as well as the physical and economic barriers that they face in accessing justice.'²⁰⁷

8.2.2 Shirkat Gah reported in December 2020 that 'Following a GBV-dedicated pilot court, 116 special courts across the country have been sanctioned, and judges trained for these.'²⁰⁸ The Law and Justice Commission of Pakistan (LJCP) stated in its 2020 Annual Report that, as of 30 November 2020, 193 courts across the country were designated to adjudicate GBV cases²⁰⁹. The same report noted that the National Judicial (Policy Making) Committee (NJPMC), mandated to formulate judicial policies within the court system, decided that GBV cases should be decided within a 2 month time period²¹⁰.

8.2.3 The USSD HR Report 2021 cited the mechanisms in place aimed at enabling women to access support:

'To address societal norms that disapprove of victims who report gender-based violence, the Islamabad Capital Territory Police (ICTP) created desks at some police stations, staffed by female officers, to offer women a safe place to report complaints and file charges. The ICTP also established a Gender Protection Unit in May, designed to handle cases related to gender violence, domestic and child abuse, and harassment. Cases can be reported through a designated telephone number.

'In August, responding to an increase in cases of violence against women, Punjab police introduced a cellphone application that enabled women to contact police surreptitiously in cases in which calling by voice would invite retaliation from a male suspect. Punjab police also established anti-women-harassment and violence teams in all districts across the province. These

²⁰⁶ USSD, '[2021 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 12 April 2022

²⁰⁷ CEDAW, '[Concluding observations on the fifth periodic report...](#)' (paragraph 19), 10 March 2020

²⁰⁸ Shirkat Gah, '[The Gendered Impact of COVID19 The Shadow...](#)' (page 1), December 2020

²⁰⁹ LJCP, '[Annual Report 2020](#)' (page 104), 28 April 2021

²¹⁰ LJCP, '[Annual Report 2020](#)' (page 104), 28 April 2021

teams, which included female officers, attempted to respond to complaints within 15 minutes.’²¹¹

8.2.4 Speaking to Dawn in 2019, lawyer Sara Malkani stated:

“There are a number of barriers to implementing the law [against domestic violence]. It’s very challenging for women and children to bring these cases before the police or court and try and involve your family members, it’s very difficult. Even those who do end up reporting it they encounter obstacles like it’s not taken very seriously, it’s considered a domestic dispute and not a crime so the authorities are less likely to investigate or register an FIR [First Information Report]”.²¹²

8.2.5 Legislation allows victims to file a petition in court against their abusers²¹³

²¹⁴. However, Dawn noted ‘You have to get a lawyer to do that and access to legal help is limited and virtually impossible for children.’²¹⁵

8.2.6 The January 2022 DFAT report stated that ‘In Punjab it is possible to obtain a restraining order under the Punjab Protection of Women against Violence Act, 2016. Elsewhere in Pakistan a judge may issue a “protection order” (denial of bail) to protect any victim or witness of a crime, but these are rarely granted.’²¹⁶

8.2.7 The ADB report of September 2021 noted, in regard to legal aid, that:

‘Section 340 of the CrPC [Criminal Procedure Code] provides for an accused to be represented by a counsel at the expense of the State. Section 161A of the CrPC also entitles victims of sexual abuse to free legal aid. The police must inform victims of this right after registering the case and provide her with the list of lawyers maintained by the Provincial Bar Councils for this purpose.

‘The Sindh Domestic Violence (Prevention and Protection) Act, 2013; the Balochistan Domestic Violence (Prevention and Protection) Act, 2014; the Punjab Protection of Women Against Violence Act, 2016; and the Khyber Pakhtunkhwa Domestic Violence (Prevention and Protection) Act, 2021 make it a duty of a protection officer and Secretary of the District Protection Committee (as the case may be) to ensure that an aggrieved person or complainant is provided with legal aid.’²¹⁷

8.2.8 The report listed the sources of, and eligibility criteria, for legal aid, whilst noting that some provisions were not in operation or underutilised due to lack of awareness²¹⁸.

[Back to Contents](#)

²¹¹ USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 1E), 12 April 2022

²¹² Dawn, ‘[What are your options if you’re a victim of domestic abuse in Pakistan?](#)’, 28 May 2019

²¹³ White Ribbon Pakistan, ‘[Laws and remedies](#)’ (Domestic violence), no date

²¹⁴ Dawn, ‘[What are your options if you’re a victim of domestic abuse in Pakistan?](#)’, 28 May 2019

²¹⁵ Dawn, ‘[What are your options if you’re a victim of domestic abuse in Pakistan?](#)’, 28 May 2019

²¹⁶ DFAT, ‘[Country Information Report Pakistan](#)’ (paragraph 3.95), 25 January 2022

²¹⁷ ADB, ‘[Court Companion on Gender-Based Violence Cases](#)’ (page 108), September 2021

²¹⁸ ADB, ‘[Court Companion on Gender-Based Violence Cases](#)’ (pages 108 to 109), September 2021

8.3 Reporting of GBV crimes and conviction rates

- 8.3.1 The SPDC report of April 2019 on the effects of violence against women in Pakistan stated that ‘Underreporting is significant and common both in rural and urban areas. Some respondents mentioned the fear of breaking family ties as well as the family pressure to avoid involving authorities in private/domestic issues as reasons for not reporting to anyone outside the family. Lack of trust in the legal system was also identified as the reason for not reporting to authorities by some respondents.’²¹⁹
- 8.3.2 The ADB report of September 2021 noted the stigma associated with reporting rape or other gender-based violence. The report stated:
‘The victim, instead of receiving support or empathy, generally faces victim blaming which only deters them from reporting. This phenomenon takes place across cultures and classes. It is easy to report a dacoity or a murder case, but not a sexual assault or rape case. Nazish Brohi, an eminent lawyer, very aptly stated at the [2019] Women’s Action Forum conference that most of the women who are raped or assaulted were afraid to disclose even to friends or family due to the stigma attached to rape, let alone reporting to police.’²²⁰
- 8.3.3 The same report added:
‘Many women are also hesitant to report because they are uncomfortable and embarrassed of the insensitive treatment they anticipate by doctors or law enforcement personnel, and of the cross-examination by defense lawyers. In general, stereotyping exists during evidence collection. For instance, the victim will get more sympathetic favorable response if “she arrived promptly, in a wretched state, confused and not normal, [and] bruised;” the lack of bruises and marks would go against her.’²²¹
- 8.3.4 In November 2020, The News International cited statistics obtained from the Police, Law, and Justice Commission of Pakistan, Human Rights Commission of Pakistan, Women's Foundation, and provincial welfare agencies. The report noted that:
‘There are at least 11 rape cases reported in Pakistan every day with over 22,000 rape cases reported to police across the country in the last six years, according to official statistics... Since 2015, a total of 22,037 cases of abuse have been registered, 4,060 cases are pending in the courts, of which 77 offenders have been convicted and only 18% of cases have reached the prosecution stage.’²²²
- 8.3.5 The report added that, ‘According to a Geo News investigation, only 41% of rape cases are reported to the police due to social pressures and loopholes in the law and order system... Police officials noted that only half of the rape cases are registered and the actual number of rape cases in the last five years could be as high as 60,000.’²²³

²¹⁹ SPDC, ‘[Economic and Social Costs of Violence Against Women...](#)’ (page 22), April 2019

²²⁰ ADB, ‘[Court Companion on Gender-Based Violence Cases](#)’ (page 36), September 2021

²²¹ ADB, ‘[Court Companion on Gender-Based Violence Cases](#)’ (page 37), September 2021

²²² The News International, ‘[11 rape incidents reported in Pakistan every day...](#)’, 13 November 2020

²²³ The News International, ‘[11 rape incidents reported in Pakistan every day...](#)’, 13 November 2020

- 8.3.6 In 2019, Dawn noted that in the 6 years since the passing of the Sindh law criminalising domestic abuse, there had been only one conviction²²⁴. According to a factsheet on sexual and gender-based violence for the period January 2020 to December 2021, by the Karachi-based NGO, War Against Rape (WAR), 'Cases of sexual violence are underreported in Pakistan with an extremely low, just under 3% conviction rate.'²²⁵

[Back to Contents](#)

8.4 Treatment by, and attitudes of, the police and judiciary

- 8.4.1 An academic article published in 2019 in the Journal of International Women's Studies on domestic violence in Punjab, authored by Dr Maryam Tanwir and Dr Shailaja Fennell, Cambridge University lecturers in development studies, Hafsa Lak, co-author of the Punjab Protection of Women against Violence Act 2016 and Project Team Lead to establish the first Violence Against Women Centre in Multan, Pakistan, and Salman Sufi, an international public sector reforms and gender strategy specialist, revealed that victims of domestic abuse '... consistently reported that the police did not display any sympathy or concern regarding the trauma suffered by the victims. They said the officers regarded their complaints as routine and domestic violence as standard behavior rather than a serious crime.'²²⁶
- 8.4.2 A study dated 2020 by the LAS, on the services available to survivors of domestic violence in Punjab and Sindh, based on 'a desk review of available literature on the current state, availability and accessibility of services, along with a review of news sources to assess what recent changes have been introduced' as well as 'interviews and discussions with survivors and GBV experts'²²⁷, found that:
- 'A major issue consistently reported across all provinces is the registration of FIRs depends on the discretion of police officers. In law, the police are supposed to register an FIR on every crime complaint, and then begin to investigate its veracity.
- 'In effect, what happens instead is that police file a "kacha parcha", an informal complaint used as a screening device, after which complaints are investigated to see which case merits a formal FIR.
- 'Women's rights lawyers, advocates, activists and survivors narrate how filing of the FIR remains one of the biggest hurdles, and frequently they have to approach senior officers and use contacts to get a case registered, while it is meant to be an automatic process.'²²⁸
- 8.4.3 Referring to rape and gender-based violence, the USSD HR Report 2021 noted that 'Women who tried to report abuse often faced serious challenges. Police and judges were sometimes reluctant to act in domestic violence cases, viewing them as family problems. Instead of filing charges, police

²²⁴ Dawn, '[What are your options if you're a victim of domestic abuse in Pakistan?](#)', 28 May 2019

²²⁵ WAR, '[Factsheet: Sexual and Gender-based Violence \(SGBV\) \(Jan 2020 to...\)](#)' (page 1), no date

²²⁶ Tanwir M and others, '[Not Accepting Abuse as the Norm...](#)' (page 139), 2019

²²⁷ LAS, '[Gap Analysis of Service Providers for Gender-Based Violence...](#)' (page 11), 2020

²²⁸ LAS, '[Gap Analysis of Service Providers for Gender-Based Violence...](#)' (page 39), 2020

often responded by encouraging the parties to reconcile. Authorities routinely returned abused women to their abusive family members.²²⁹

8.4.4 The 2020 LAS study indicated that there had been some positive progress in the system, at least in Punjab and Sindh provinces:

‘Senior level police officials acknowledge the issues of policing on GBV and have introduced initiatives to address them. The police force in both provinces, Punjab and Sindh, have made systemic changes in the law enforcement system, partly to minimize arbitrariness and exercise of discretion in FIR registration...

‘In Punjab and Sindh, women in leadership positions working on GBV in various capacities say that police response to cases of violence against women has improved in the past decade, and police officials take action whenever they are contacted.’²³⁰

8.4.5 Despite some improvements, the LAS added ‘The victims and their families still testify to the dismissiveness, high-handedness and bribery demands of policemen. Survivors continue to experience the police as judgmental, harsh, indifferent and obstructive, as documented in the interviews carried out at the Panah shelter, and in cases undertaken by LAS and from Dastak shelter.’²³¹

8.4.6 The USSD HR Report 2021 stated:

‘NGOs reported police sometimes accepted bribes from perpetrators, abused or threatened victims, and demanded victims drop charges, especially when suspected perpetrators were influential community leaders. Some police demanded bribes from survivors before registering rape charges, and investigations were often superficial... Women who reported or spoke up against violence against women often faced pushback and harassment, including by police officials, which, according to civil society, discouraged survivors from coming forward.’²³²

8.4.7 Sources reported on the authorities blaming a victim’s conduct for rape. In September 2020 a woman was raped in front of her children when her car ran out of fuel as she travelled late at night on the Lahore to Sialkot motorway. Following the incident, the Lahore police chief questioned why the woman did not take a ‘safer’ route or check her fuel gauge^{233 234 235}.

8.4.8 In June 2021, the then Prime Minister, Imran Khan, faced criticism for linking women’s attire to the risk of rape and sexual assault^{236 237}.

[Back to Contents](#)

²²⁹ USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 1E), 12 April 2022

²³⁰ LAS, ‘[Gap Analysis of Service Providers for Gender-Based Violence...](#)’ (pages 40 to 41), 2020

²³¹ LAS, ‘[Gap Analysis of Service Providers for Gender-Based Violence...](#)’ (page 42), 2020

²³² USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 1E), 12 April 2022

²³³ HRW, ‘[Blaming the Victim for Sexual Violence in Pakistan](#)’, 14 September 2020

²³⁴ BBC News, ‘[What happened in the “motorway rape”?](#)’, 19 September 2020

²³⁵ Dawn, ‘[Lahore motorway gang-rape causes outrage](#)’, 11 September 2020

²³⁶ Express Tribune, ‘[PM Imran says wearing “few clothes” in a society...](#)’, 21 June 2021

²³⁷ HRCP, ‘[State of Human Rights in 2021](#)’ (page 147), 2022

8.5 Representation of women in the criminal justice system

- 8.5.1 An opinion piece published in the English-language news site, The News International, dated 28 September 2020, noted that, according to the National Police Bureau, there were 6,899 female police officers working throughout Pakistan against the 465,035 sanctioned strength of the police force²³⁸.
- 8.5.2 The 2020 LAS study found that:
'Punjab has women police officers posted in most of the police stations – according to the head of WPA [Women Protection Authority], Kaneez Fatima, coverage is in upwards of 80% of districts. The missing ones will be covered by 2021. In Sindh, the coverage is patchy. Women police are present in some regular police stations in Hyderabad and Shaheed Benazirabad (SBA) but not at others. In Matiari, Dadu and Kambar Shahdadkot, women are present in the Women and Child Protection Cells, but not at the main precinct stations – they refer all women-specific cases to the protection cell.'²³⁹
- 8.5.3 The HRCP 2021 annual report noted, in regard to female participation in the judiciary, that 'The proportion of women in the judiciary remained significantly low at 17 percent, according to media reports. At the high court level, this proportion was even lower, with only two women each in the high courts of Sindh and Lahore, and one in Peshawar (of a total of 114 judges).'²⁴⁰ In January 2022, Justice Ayesha Malik became the first woman to be sworn into the Supreme Court of Pakistan²⁴¹.

[Back to Contents](#)

8.6 Informal justice systems

- 8.6.1 Dawn reported that, in 2019, the Supreme Court '... declared jirgas or panchayats [traditional fora for dispute resolution²⁴²] illegal when they act as parallel courts in criminal or civil matters.'²⁴³
- 8.6.2 The USSD HR Report 2021 referred to the use of informal justice systems in rural and tribal areas, held in the form of local council meetings (panchayats or jirgas). The report noted that:
'These councils often sentenced women to violent punishment or death for so-called honor-related crimes. These councils that are meant to provide "speedier justice" than traditional courts in some instances also issued decisions that significantly harmed women and girls. For example, women, especially young girls, were affected by the practice of "swara," in which girls are given in marriage by force to compensate for a crime committed by their male relatives. The Federal Shariat Court declared "swara" to be against the teachings of Islam in October. Jirga and panchayat decision making was

²³⁸ The News International, '[Gendered response to policing in Pakistan](#)', 28 September 2020

²³⁹ LAS, '[Gap Analysis of Service Providers for Gender-Based Violence...](#)' (page 29), 2020

²⁴⁰ HRCP, '[State of Human Rights in 2021](#)' (page 13), 2022

²⁴¹ Al Jazeera, '[Pakistan's first woman Supreme Court judge Ayesha Malik sworn in](#)', 24 January 2022

²⁴² Dawn, '[Federal Shariat Court declares swara as un-Islamic](#)', 26 October 2021

²⁴³ Dawn, '[A despicable custom](#)', 27 October 2021

often discriminatory towards women and girls, frequently issuing harsher sentences than for men.²⁴⁴

- 8.6.3 The same source noted ‘There were reports of traditional jirga or panchayat systems of community justice, typically used to resolve low-level disputes, used for cases of rape in rural areas, which may have resulted in a survivor being forced to marry the attacker, or a family member on the survivor’s side being allowed to rape a family member of the accused/defendant’s side.’²⁴⁵
- 8.6.4 Referring to the Federal Shariat Court’s (FSC) declaration that the custom of swara was unIslamic, Dawn cited Dr Mohammad Aslam Khaki, Jurist Consult at the FSC, who said that ‘... the legitimate way to settle a murder is payment of diyat or blood money, which is acceptable in Islam...’²⁴⁶

[Back to Contents](#)

This section was updated on 21 September 2022

9. Assistance available to women

9.1 Crisis centres, shelters and helplines

- 9.1.1 In a 2018 research study the NGO Rozan listed the 4 types of shelters available to women:

‘1. **Crisis Centers:** These centers operate as short-term shelters for women. Women needing longer stay are then transferred to Dar ul Amans. They offer [sic] services such as food, shelter and immediate medical and legal services. Women can access these spaces through the court, police or civil society. Initially set up by the MoWD [Ministry of Women Development], these centers are provincially managed by Provincial Women Development Departments, since the implementation of the 18th Amendment. There are 17 Crisis centers in the country, 12 of which are in Punjab, 3 in Baluchistan, one in Azad Jammu Kashmir [AJK] and one in Islamabad.

‘2. **Dar ul Amans (DuAs):** DuAs provide relatively longer stay and are shelters run under the Provincial Social Welfare Departments. Women survivors are referred here mostly by the court, and stay here until their cases are resolved or they have some alternate arrangement that is approved by the court. The main function of Darul Aman is to provide secure shelter with free medical, legal and psychological services. Some DuAs also provide basic vocational skills training. The criteria for entry to DuAs through court orders has been lifted in some provinces but implementation still remains sketchy. There are almost 50 Darul Amans in the country, with Punjab having the highest number, 36. There are 3 in Sindh, one in Baluchistan, 8 in KPK, and 2 in AJK.

‘3. **Private shelters:** Prominent private shelter houses in the country include Mera Ghar in Peshawar established by Noor Education Trust, Abad in Hyderabad and Dastak in Lahore. These shelters provide security, shelter, food, medical and legal services and vocational skills training to women survivors. These places get regular referrals from police, court and other

²⁴⁴ USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 1E), 12 April 2022

²⁴⁵ USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 1E), 12 April 2022

²⁴⁶ Dawn, ‘[Federal Shariat Court declares swara as un-Islamic](#)’, 26 October 2021

departments. Admission to private shelter houses does not require a court order.

‘4. Public Private Partnership model: Pannah, a women shelter home in Karachi was initially set up as a Darul Aman in 1970s, and was partially privatized in early 2000. It is now functional under a Board of Governors with finances being managed by local philanthropists. Women survivors can access and exit Pannah without having a court order but it is mandatory for the Pannah administration to inform the court. In addition to providing services mentioned above, such as shelter food, legal, medical services, Pannah also offers certified vocational skills trainings and runs a half-way house.’²⁴⁷

9.1.2 Shirkat Gah reported in December 2020 that:

‘Current response systems encompass government-run shelter homes for women, Darul-Amans, in all provinces, women’s crisis centres, privately-run and a public-private partnership shelters. A plethora of government helplines exist for citizens, notably those of the Punjab Commission on the Status of Women, and Sindh Women Development Department; multiple civil society helplines including assistance for cyber harassment. There are government child protection units and legal aid-related services offered by a host of civil society organizations (CSOs) and government offices, such as the departments of Human Rights, Women Development, and Social Welfare and the VAW Centre in Multan. Sindh has piloted innovative – and effective – police-linked Women Protection Cells. The Federal Ministry of Human Rights (MOHR) established a toll-free helpline and a WhatsApp number to report cases of domestic violence during the coronavirus lockdown.’²⁴⁸

9.1.3 The 2020 LAS report noted that:

‘The availability of shelters varies widely between Punjab and Sindh. Punjab has comprehensive coverage with one government-run Dar-ul-Aman in each of its 35 districts, whereas Sindh has 4 Dar-ul-Amans despite having 29 districts. However, according to experts, the shelters in Sindh have relatively low occupancy despite being few in number. The ones in Punjab have reportedly high occupancy. This is based on testimonies, there is no compiled data of occupancy and frequency and duration of their use. There are a handful of private shelters as well, scattered across provinces.’²⁴⁹

9.1.4 The USSD HR 2021 Report noted that:

‘The government continued to operate the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. Numerous government-funded Shaheed Benazir Bhutto Centers for Women across the country provided legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Officials later referred victims to dar-ul-amans – shelter houses for abused women and children – of which there were several hundred around the country. The dar-ul-amans also provided access to medical treatment. According to NGOs the shelters did not offer other assistance to women,

²⁴⁷ Rozan, [‘Against All Odds: Post Shelter Lives of Women Survivors...’](#) (page 14), November 2018

²⁴⁸ Shirkat Gah, [‘The Gendered Impact of COVID19 The Shadow...’](#) (page 2), December 2020

²⁴⁹ LAS, [‘Gap Analysis of Service Providers for Gender-Based Violence...’](#) (page 29), 2020

such as legal aid or counseling, and often served as halfway homes for women awaiting trial for adultery, but who in fact were survivors of rape or other abuse.

‘Government centers lacked sufficient space, staff, and resources. Many overcrowded dar-ul-amans did not meet international standards. Some shelters did not offer access to basic needs such as showers, laundry supplies, or feminine hygiene products. In some cases individuals reportedly abused women at the government-run shelters, and staff severely restricted women’s movements or pressured them to return to their abusers. There were reports of women exploited in prostitution and sex trafficking in shelters. Some shelter staff reportedly discriminated against the shelter residents, based on a belief that if a woman fled her home, it was because she was a woman of ill repute.’²⁵⁰

9.1.5 Shirkat Gah reported in December 2020 on the disruption of services during COVID-19:

‘During lockdown fewer women sought shelter, and initially, most shelter homes couldn’t admit new women for lack of isolation spaces, testing facilities and personal protective gear. Calls to government and privately-run Helplines spiked despite the challenges of a lack of privacy and phones, relating to both physical and cyber violence – the police-attached Women Protection Cells (WPC) in Sindh recording a 70 percent increase in survivor calls. Impeding access to justice, courts were only processing urgent matters, excluding GBV cases. Life-saving care and support to survivors of violence – such as clinical management of rape and mental health and psycho-social support – were disrupted as over-burdened health service providers concentrated on handling COVID-19 cases. Good practices include the WPCs, repurposing empty office spaces for shelters by the Khyber-Pakhtunkhwa government, directories of services and an about-to-be-launched telephone App providing directories and guidelines to navigate the required steps.’²⁵¹

9.1.6 The USSD HR Report 2021 further noted:

‘The Punjab Protection of Women against Violence Act provides legal protections for domestic abuse victims, including judicial protective orders and access to a new network of district-level women’s shelters. Centers provided women a range of services including assistance with the completion of first information reports regarding the crimes committed against them, first aid, medical examinations, post trauma rehabilitation, free legal services, and a shelter home. The Punjab government funds four women’s career centers in Punjab universities, 12 crisis centers that provide legal and psychological services to women, and emergency shelters for women and children. The Punjab government established 16 women’s hostel authorities in 12 districts to assist women in finding safe, affordable, temporary lodging while looking for work. It also established 68 additional day care centers, bringing the total to 137 by year’s end. The provincial government also launched other economic empowerment programs,

²⁵⁰ USSD, ‘[2021 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 12 April 2022

²⁵¹ Shirkat Gah, ‘[The Gendered Impact of COVID19 The Shadow...](#)’ (page 2), December 2020

including the Punjab Small Industry Cooperation Development Bank and the Kisan Ki Beti (Farmer's Daughter) project, which aim to improve living standards of rural women through skill development.²⁵²

- 9.1.7 According to the January 2022 DFAT report, 'State-run women's shelters (darul aman) require a court order to enter and leave, and are described as having "prison-like" conditions. Private and NGO-run shelters exist, but they are unable to meet demand. Families often pressure victims to return to their abusers; in some cases victims are lured into returning and are killed.'²⁵³

[Back to Contents](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

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

- Legal context considering laws that protect and/or discriminate - constitution, criminal, penal and civil codes, Sharia and caselaw – applicable to
 - general anti-discrimination provisions
 - specific to women and girls in political, economic, social, cultural, civil or any other field
- Socio-economic indicators (gender comparisons in)
 - Education and literacy
 - Employment and income
 - Political participation
 - Healthcare
- Position of women in society
 - Cultural, family and societal attitudes
 - Single women
 - Love marriage
- Sexual and gender-based violence, including legal status
 - Domestic violence
 - Workplace harassment
 - Rape
 - Early and forced marriage
 - 'Honour' crimes

²⁵² Shirkat Gah, '[The Gendered Impact of COVID19 The Shadow...](#)' (page 2), December 2020

²⁵³ DFAT, '[Country Information Report Pakistan](#)' (paragraph 3.95), 25 January 2022

- Adultery and extra-marital relations
 - Legal context
 - Unmarried couples and children outside of marriage
- State treatment and attitudes
 - Implementation and enforcement of legislation
 - Access to, and attitudes of, the justice system and the police
- Assistance available to women
 - Support centres and shelters

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

Annex A

Khan and Piracha correspondence obtained by the British High Commission, 26 September 2017

KHAN & PIRACHA

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Mr. Gavin De Costa
Second Secretary Justice and Home Affairs
British High Commission
Diplomatic Enclave,
Islamabad

September 26, 2017

Dear Gavin,

With reference to your email of September 22, 2017, our parawise responses to your queries are as under:

The scenario is that a Pakistan unmarried couple living in the UK have had a child out of wedlock. It is argued that even if they were to now marry, the child would remain illegitimate. Can you confirm this is the case and if so, do you know any other way the child could become legitimate? (Possibly through the man claiming paternity or adoption?)

Under Muslim Personal Law (also known as Mahomedan Law) marriage may be validly entered into without any ceremony, therefore direct proof of marriage is not always available or required. Where direct proof is not available, indirect proof may suffice. Under Muslim Personal Law, in the absence of direct proof, marriage is presumed on the basis of *any of the following facts*:

- (a) prolonged and continual cohabitation as husband and wife; *or*
- (b) acknowledgment by the man of the woman as his wife; *or*
- (c) valid acknowledgment by the man of the paternity of the child born to the woman subject to the condition, inter alia, that the child is acknowledged to be legitimate and is not the offspring of adultery, incest or fornication.

[Principles of Mahomedan Law by Mulla, Sections 268, 344]

No presumption of marriage arises from long cohabitation if the woman was a prostitute when she was brought to the home of the man whose wife she claims to be. But if the man acknowledges his children by her as his legitimate children, marriage with her will be presumed, for marriage with a prostitute is not prohibited, and she could have been his lawful wife, when the children were begotten. It has also been held that clear and reliable evidence that a Mahomedan has acknowledged children as his legitimate issue raises a presumption of a valid marriage between him and the children's mother. (Imambandi vs. Mutasaddi (1918) 45 I.A. 73)

In *Sabih Khan vs. State* [PLD 2000 Federal Shariat Court 63] it was held that registration of Nikah was not necessarily required to prove Nikah as, in Muslim Law Nikah could be performed by offer and acceptance in presence of witnesses. Non-registration of Nikah would only attract a penalty under S.5(4) of the Muslim Family Laws Ordinance, 1961.

In the case entitled *Aftab Ahmed vs. Judge Family Court reported as 2009 MLD 962* it was held by the Lahore High Court that marriage solemnized under Muslim Family Laws Ordinance, 1961, requires registration but Nikah does not become invalid due to its non-registration. If a person does not report marriage to the Nikah Registrar for the purpose of registration, he may be held liable under the penal provisions of S.5 (4) of the Muslim Family Laws Ordinance, 1961 but Nikah will not be invalidated.

In case entitled *Ghazanfar Abbas vs. ADJ Jhang* [2001 YLR 644] it was held that Nikah even if not registered under the law remains valid.

In view of the above, we are of the opinion that unless the father of the child refuses to acknowledge the child as his legitimate child, marriage will be presumed from the day the couple commenced to live together. Hence, given presumption of marriage, such couple will not be required to re-marry in order to confer legitimacy upon the child and can simply opt for late registration subject to risk of prosecution and imposition of the penal provisions of S5 (4) of the Muslim Family Laws Ordinance, 1961. The prescribed penalty is simple imprisonment of upto 3 months or fine of upto PKR 1000 or both. The fine may not even be imposed if marriage is not denied or disproved and the registrar accepts the fact of a private nikah i.e., offer and acceptance in the presence of witnesses having taken place. In fact, to our knowledge penalty under Section 5(4) is rarely imposed.

Please note that if marriage is disproved or denied, leading to an issue of *fornication*, then legitimacy cannot be acknowledged. Please note further, that Pakistan law strictly prohibits sexual relationships outside of marriage and prescribes severe penalties for adultery and fornication both under the Pakistan Penal Code (the “PPC”) and the Offence of Zina Ordinance, 1979 (the “1979 Ordinance”).

Under the 1979 Ordinance, wilful sexual intercourse by a sane adult male or female with a female or male respectively to whom he or she is not married constitutes zina liable to hadd and is punishable in the case of sexual intercourse by a married adult sane male or female with one to whom he or she is not married, with stoning to death in a public place and is punishable under Section 496-B of the PPC with imprisonment of upto 5 years and fine of upto PKR 10,000.

Through amendments made in 2006, the 1979 Ordinance no longer has overriding effect and a punishment under the 1979 Ordinance can only be awarded if there are 4 truthful eye witnesses, which is a near impossibility. To our knowledge, no convictions under this provision of the 1979 Ordinance have taken place to date.

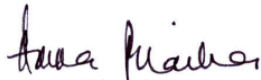
Given the above repercussions, in our opinion it will be advisable for the couple in question to rely on presumption of marriage and opt for late registration.

I've also been asked if the mother is able to get married Islamically even if she cannot describe herself as a Maiden, Widow, or Divorced?

There is no requirement under Muslim law that a woman must be a maiden, widow or divorcee to enter into marriage and every Muslim girl/woman who has attained puberty and is of sound mind may contract a valid marriage if she is not already bound in matrimony with another person. There is a column in the Nikah Nama which requires acknowledgement of one of the above descriptions and does not give another option but there is no test for determining veracity of the statement and the statement is accepted on face value. As is clear from the citation from case entitled *Imbandi vs. Mutasaddi* [1918] 45 I.A. 73] (see above) Muslim law recognizes a marriage with a prostitute. As such, if presumption of marriage according to Islamic law cited above is to be claimed then it could also be claimed that at the time the offer and acceptance was made the bride was a maiden.

If you have any queries in respect of the above, please feel free to contact me.

Yours sincerely,



Amna Piracha
for Khan & Piracha

Annex B

Khan and Piracha correspondence obtained by the British High Commission, 20 April 2015

To CPIT, Home Office

20 April 2015

In response to queries received, we received the following advice from Khan and Piracha, a consultancy firm based in Islamabad, Pakistan:

Please note that under Section 5 of the Pakistan Citizenship Act, 1951 (the "1951 Act") a person born after 1951 shall be a citizen of Pakistan by descent if his parent (either mother or father or both) is a citizen of Pakistan at the time of his birth.

Under the proviso to Section 5, if the parent of a child born after 1951 is also a citizen only by descent then the person's claim to citizenship is, where such person is born outside of Pakistan, subject to such birth being registered at a Pakistan Consulate of Mission in the foreign country of birth.

The procedure for obtaining citizenship by descent is laid down in the Pakistan Citizenship Rules, 1952 (the "1952 Rules").

As instructed we have reviewed the question of issuance of a CRC or CNIC to an illegitimate child in the light of National Database and Registration Authority Ordinance, 2002 (the "Ordinance") read with the National Database and Registration Authority (National Identity Card) Rules, 2002 (the "Rules") and National Database and Registration Authority (Application for National Identity Card) Regulations, 2002 (the "Regulations") and meetings with National Database and Registration Authority ("NADRA") officials and parawise responses to the queries raised by you are as under:

1. In regards to children I would like to establish whether an illegitimate child can obtain a CRC or CNIC?

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

The prescribed form for obtaining CRC and CNIC requires the provision of the names of both parents and in the absence of such names the application for CRC will not be entertained.

Although the Ordinance and Rules/Regulations make no provision for registration of children/citizens, the identity of whose father is not known, following a direction by the Supreme Court of Pakistan, NADRA has issued a policy for registration of abandoned and parentless children who are raised by orphanages. Under the Policy,

the head of an orphanage where such child is raised is eligible to become the child's legal guardian by providing an affidavit. This Policy has, to the extent of such cases, replaced the requirement for seeking guardianship certificates under the Guardian and Wards Act, 1890. However, under the Policy the orphanage applying for the registration must be registered with NADRA. In case a child's parentage is unknown, any name deemed fit and recorded by the orphanage in its records is acceptable and can be registered with NADRA. The orphanage can assign any name to the child's parents, as long it is not a generic or placeholder name, such as Adam or Eve.

Given the severe repercussions for the mother of admission of illegitimacy, registration of illegitimate children (except where they are abandoned and under the care of a listed orphanage) is not recognized by NADRA.

2. If a child of Pakistani origin is born in the UK, can a CRC or CNIC be obtained on production of a UK birth certificate?

Registration of birth with the Pakistan Mission in the UK in accordance with Section 5 of the 1951 Act will probably be possible on the basis of a UK birth certificate. However, to obtain CRC and CNIC, applications have to be made on forms prescribed under the 1952 Rules, which forms require details/documentary evidence of details of both parents. For a CRC a birth certificate is valid documentary evidence but issuance of CRC will not only depend on production of the birth certificate as the requisite Form will also have to be filled in.

3. Does the father's name have to be provided and/or a marriage certificate produced upon application?

The father's name has to be provided for making application for obtaining CRC or CNIC. There is no requirement for furnishing a marriage certificate.

Issuance of a CRC is dependent on the production of a birth certificate from the Union Council in whose jurisdiction the baby is born. No other documents are required for a child under the age of ten years. However, in order to obtain the birth certificate, names of both parents will be required and the parents may be called to produce their CNICs.

Issuance of CNIC is dependent on the production of birth certificate or matriculation certificate or CNICs of immediate blood relatives. Father's name is given in birth certificate as also matriculation certificate.

4. Father's name whether original or a dummy name has to be given to NADRA for registration.

Father's actual name or any dummy name has to be given to NADRA for registration as any application form for CRC or CNIC from which either of the parents name is missing will not be entertained by NADRA.

5. In the case where the father is recorded as 'unknown' (it is not a legal obligation to provide the father's name on a UK birth certificate), would such an

application be accepted? Or could a 'dummy' name be provided, even if father's name is not on the birth certificate itself?

Application for CRC/CNIC has to be made on prescribed forms. The forms which are currently available require details of the father and therefore if the birth certificate is silent as to the father's name, some name, real or fictitious would probably have to be provided.

6. If a child cannot obtain an ID card is their access to healthcare, education, employment, etc, restricted?

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.

7. Are there any statistics on the numbers of charges/convictions under the offence of zina?

According to a news article in the daily Tribune of November 9, 2014 [...], in response to a question on the issue of zina bil jabar (rape) the State Minister for Interior, Baleeghur Rahman provided a year-wise provincial breakup. However, no statistics are available for charges/convictions for simple zina (adultery) nor have we been able to find any legal precedent for a conviction on this charge.

8. If yes, is this information recorded geographically, i.e. in rural or urban areas?
Please see above.

This letter has been compiled by staff of the British High Commission in Islamabad, Pakistan entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author nor any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **3 November 2022**

Official – sensitive: Start of section

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

Official – sensitive: End of section

Changes from last version of this note

Updated country information and assessment

[Back to Contents](#)