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16 January 2019

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Pakistan: Domestic violence in intercaste marriages; state protection and support services for victims (2015-January 2019)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview of Intercaste Marriage in Pakistan

According to Freedom House's 2017 report, in much of the country, traditional practices subject personal choices, such as the choice of a spouse, to social control (Freedom House 2018, sec. G3). Similarly, in correspondence with the Research Directorate, a representative of the Women Employee Welfare Association (WEWA) [1] explained that "love marriages" [not arranged by families] may be allowed among the elite, but for other social classes, intercaste marriages are not accepted (WEWA 17 Dec. 2018). Ahmed Usman, a professor at the University of the Punjab, explains in his doctoral thesis on interactions between castes, gender-related issues and

violence in Punjabi villages, which he published in 2011, that marriages between members of the Kammi and Zamindar castes are not socially accepted and can lead to honour killings (Usman 2011, 107-108).

2. Domestic Violence in Intercaste Marriages

The law firm of Mumtaz & Associates located in Karachi, which practices in the field of family law (Mumtaz & Associates n.d.a), indicates on its website that, in intercaste marriages, the women in the families involved are often subjected to violence (Mumtaz & Associates n.d.b). The information in the following paragraph was provided by the WEWA representative:

Women who married men from another caste rarely receive support from their families or people close to them. A woman in an intercaste marriage is reportedly subjected to a greater risk of violence and fears more for her life than other Pakistani women in general. If the husband's family does not approve of the marriage, it could encourage the husband to be physically or psychologically abusive toward his spouse, a situation that could result in divorce or murder. Sometimes, the husband's family physically abuses the wife. The family or loved ones of a woman who marries outside her caste may also subject her to violence or commit "honour killing [s]" (WEWA 17 Dec. 2018).

In May 2014, the Indo-Asian News Service (IANS) reported that a woman was "brutally" killed by members of her family after marrying a man from a different caste (IANS 15 May 2014). In a similar case, the Pakistani daily *Dawn* reported in July 2016 that a man had killed his two sisters because they were going to marry persons "of their choice," outside their caste (*Dawn* with AFP 30 July 2016).

According to media monitoring conducted by volunteers of the Human Rights Commission of Pakistan (HRCP), in 2017, 73 people were the victims of honour killings because of their choice of spouse (HRCP n.d.a). In 2018, that number was 24 (HRCP n.d.b).

3. State Protection and Support Services for Victims

3.1 Legislation

According to the US Department of State's *Country Reports on Human Rights Practices for 2017*, there is no federal law addressing domestic violence (US 20 Apr. 2018, 38). The Hamara Internet [2] women's rights site explains that each province has its own legal statutes addressing domestic violence (Hamara Internet n.d.). The same source provides the following details on the legal statutes in force in the provinces set out below:

- Sindh and Balochistan: definitions of domestic violence set out in legislation include:
emotional, psychological and verbal abuse; harassment; physical abuse ... sexual abuse; trespass; economic abuse; wrongful confinement; criminal force; criminal intimidation; assault, etc.. (Hamara Internet n.d.)
- Punjab: the 2016 law regarding the protection of women against violence punishes the following crimes: "domestic, emotional, psychological and economic abuse, stalking and also cyber crimes" (Hamara Internet n.d.).
- Islamabad: Domestic violence includes acts of gender based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a family relationship including but not limited to, -
...
3. "assault" ... ;
4. "attempt" ... to commit any of the offenses enumerated in this section;
5. "criminal force" ... ;
6. "criminal intimidation" ... ;
7. "Emotional, psychological and verbal abuse" means a pattern of degrading or humiliating conduct towards the victim, including but not limited to, -
 - repeated exhibition or obsessive possessiveness or jealousy constituting serious invasion of the victim's privacy, liberty, integrity and security;
 - insults or ridicule;
 - threat to cause physical pain;
 - threat of malicious prosecution;
 - blaming a spouse of immorality;
 - threats of divorce;
 - baselessly blaming or imputing insanity, or citing barrenness of a spouse with the intention to marry again; and
 - bringing false allegation upon the character of a female member by any member of the shared household. (Hamara Internet n.d.)

Sources note that Khyber Pakhtunkhwa is the only province not to have adopted legislation on domestic violence (*New Internationalist* 6 June 2017; Hamara Internet n.d.).

Information on legal statutes specifically addressing intercaste marriages and domestic violence in the context of such marriages could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Enforcement of Laws

Without providing further details, the WEWA representative stated that women who turn to the legal system for help are subjected to “prejudice,” especially before lower courts (WEWA 17 Dec. 2018). *US Country Reports 2017* indicates that judges are sometimes reluctant to take action in domestic violence cases, viewing them as “family problems” (US 20 Apr. 2018, 39). The UN Human Rights Committee reports that there is a [UN English version] “lack of prompt and effective investigation” in cases of violence against women, including domestic violence, and that the level of prosecution and conviction of perpetrators of acts of violence against women is low (UN 23 Aug. 2017, para. 13). The WEWA representative reported that the police lack training and are not adequately trained and equipped to intervene in cases of domestic violence, and that, although it is possible for a victim to obtain court-ordered protection, most of the time, the police are unable to enforce it (WEWA 17 Dec. 2018). Similarly, in an article published on the Policy Forum of the Asia & the Pacific Policy Society (APPS), an assistant professor in international studies at the University of Canberra in Australia, Tahmina Rashid, explains that police officials lack adequate training and knowledge, as well as appropriate resources and attitudes, to collect evidence, conduct medical examinations and make a sound case for prosecution (Rashid 7 Feb. 2018). Information specifically illustrating the enforcement of domestic violence laws in the context of intercaste marriages could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3 Support Services for Victims

Information on support services specifically for women victims of domestic violence within intercaste marriages could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Without providing further details, the Human Rights Committee describes assistance for victims of domestic violence as [UN English version] “insufficient” (UN 23 Aug. 2017, para. 13).

Sources mention Women’s Desks at police stations in the provinces of Khyber Pakhtunkhwa (Pakistan Forward 26 July 2017) and Punjab (36 desks) (Punjab n.d.a). Sources also mention the existence of Women’s Police Stations in the provinces of the Punjab (Punjab n.d.b) and Sindh (*The Express Tribune* 7 Mar. 2018; APP 10 May 2018). The purpose of these women’s police stations is to facilitate women’s access to police services (Pakistan Forward 26 July 2017). However, sources note that the number of female police officers is “low,” representing less than 2 percent of the police force across the country (*Dawn* 26 Apr. 2017; Perveen 13 Sept. 2017). Similarly, *US Country Reports 2017* states that women’s police stations struggle with understaffing and limited material resources (US 20 Apr. 2018, 39).

3.3.1 Helplines

The website of the Punjabi government’s Punjab Commission on the Status of Women offers a helpline for women who are victims of gender-based discrimination and violence in Punjab, providing them with psychosocial counselling and information and forwarding their requests to relevant government or private authorities (Punjab n.d.c). *The Express Tribune* reports that in January 2017, the Khyber Pakhtunkhwa social welfare directorate launched a new helpline to prevent violence against women and provide support in emergency situations (*The Express Tribune* 9 Jan. 2017). Further information on helplines for women victims of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3.2 Support Centres and Shelters

US *Country Reports 2017* indicates that the government operates the Crisis Center for Women in Distress, which refers women victims of violence to NGOs (US 20 Apr. 2018, 39). The same source also reports that “numerous” Shaheed Benazir Bhutto Centers for Women across the country provide legal aid, medical treatment and psychosocial counselling (US 20 Apr. 2018, 39). For example, Pakistan’s Ministry of Human Rights operates the Shaheed Benazir Bhutto Human Rights Centre for Women in Islamabad (Pakistan n.d.). According to Pakistan’s Ministry of Human Rights, the centre offers free legal and medical services, as well as shelter (Pakistan n.d.). The same source also notes that there are “currently” 50 beds in the shelter for women victims of domestic violence (Pakistan n.d.). The Punjab’s Social Welfare Department also manages 12 Shaheed Benazir Bhutto Human Rights Centers for Women throughout the province, which had previously been under the federal government’s jurisdiction (Punjab n.d.d).

Corroborating information on the existence of Shaheed Benazir Bhutto women’s centres in other Pakistani provinces could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In March 2017, the Pakistani daily *The News International* reported that the Punjab government opened the first Violence Against Women Center (VAWC), managed entirely by women and offering all available services to women: “First Aid, [First Information Report, FIR] lodging, prosecution, medical examination, forensics, post-trauma rehabilitation and shelter home for female victims” (*The News International* 29 Mar. 2017). Similarly, the Pakistani daily *Dawn* reports that the VAWC is a facility run by women to bring all justice delivery services under one roof (including police, prosecution, medical, rehabilitation and counselling services), in addition to offering shelter (*Dawn* 6 May 2018). The same source reports that the centre recorded 1,545 cases of violence against women between March 2017 and April 2018 (*Dawn* 6 May 2018).

US *Country Reports 2017* states that Shaheed Benazir Bhutto centres refer victims to women’s shelter houses (*dar-ul-amans*), of which there are “several hundred” across the country (US 20 Apr. 2018, 39). The same source reports that these shelters also provide medical services, but according to NGOs, the shelters do not offer other services (US 20 Apr. 2018, 39). US *Country Reports 2017* indicates

that many shelters are “seriously overcrowded” and lack resources to meet victims’ basic needs, and that in some cases, women were abused at the shelters or were pressured to return to their abusers (US 20 Apr. 2018, 39).

The Punjab’s Social Welfare Department posted on its Internet site that it has established shelters for women victims of violence, including domestic violence, in Punjab’s 36 districts (Punjab n.d.e). These shelters can accommodate 20 to 50 women at a time and meet their basic needs, providing protection; medico-legal services; psychological support services; religious, recreational and vocational training; basic education for the children living there; and adult education (Punjab n.d.e).

Without providing further details, the Legal Aid Society (LAS), a not-for-profit organization providing pro bono or low bono legal aid to marginalized and vulnerable populations in Pakistan (LAS n.d.a), reports that the province of Sindh has four dar-ul-amans where women may be “detained” by order of a magistrate in cases where their situation has become dangerous due to familial disputes (LAS n.d.b). The same source adds that “women are subject to abandonment from further judicial facilitation once they have been placed in Darulamans,” but that, since May 2014, LAS conducts legal clinics in three dar-ul-amans to counter that problem (LAS n.d.b). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Express Tribune reports that the province of Balochistan’s only dar-ul-aman is located in the city of Quetta, and that its facilities are not adequate (*The Express Tribune* 26 Aug. 2017). The same source adds that the Balochistan Assembly passed a resolution in August 2017 to set up six more dar-ul-amans in the province (*The Express Tribune* 26 Aug. 2017).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Women Employee Welfare Association (WEWA) is located in Lahore and was established in 1992 to promote women's role in Pakistani society (Onlinewomeninpolitics.org n.d.).

[2] Hamara Internet is a campaign led by the Digital Rights Foundation (DRF) to promote a free and secure digital environment for women in Pakistan and enable them to defend their rights and fight the abuse to which they are subjected online (DRF n.d.).

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Oral sources: All Pakistan Women Association; gender consultant/researcher; White Ribbon Pakistan.

Internet sites, including: All Pakistan Women Association; Amnesty International; Asian Human Rights Commission; Asylum Research Center; Aurat Foundation; Australia – Department of Foreign Affairs and Trade; Bertelsmann Stiftung; Denmark – Danish Immigration Service; eoi.net; EU – European Asylum Support Office; Factiva; France – Office français de protection des réfugiés et apatrides; Fédération internationale des ligues des droits de l'homme; Human Rights Watch; International Crisis Group; IRIN; UN – UN Women; White Ribbon Pakistan.

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