

## **ARC and DCR comments on the EASO Country of Origin Information Reports**

- **Pakistan: Security Situation, July 2016**
- **Afghanistan: Recruitment by armed groups, September 2016**

19th October 2016

Asylum Research Consultancy (ARC) and the Dutch Council for Refugees (DCR) welcome the publication of the Country of Origin Information (COI) reports: [Pakistan: Security Situation, July 2016](#) and [Afghanistan: Recruitment by armed groups, September 2016](#).

As our previous responses to EASO consultations and comments on EASO Work Plans have indicated, we are particularly interested in the EASO COI methodology<sup>1</sup> and await the formal consultation on its previously proposed revision.<sup>2</sup> With this in mind, we are pleased to note that the EASO COI report on 'Pakistan: security situation' of July 2016 (from now on referred to as the EASO Pakistan report) and on 'Afghanistan: Recruitment by armed groups' of September 2016 (from now on referred to as the EASO Afghanistan report) do not 'draw conclusions' (as provided for in the COI Methodology report), or include distinct 'summary' or 'analysis' sections as for example the previous COI report on Afghanistan 'Insurgent strategies — intimidation and targeted violence against Afghans' (December 2012) did.

As active members of the Consultative Forum, we would have welcomed the opportunity to input into the Terms of Reference of the reports or to be able to provide the following comments in advance of the reports' final publication.

With regards to the EASO Pakistan report, the comments are based on an initial reading of the report, first making some general observations and recommendations and further focusing on Chapter 3. 'General description of the security situation in Pakistan', in particular 1.4 'State ability to secure law and order', and Chapter 2. 'Security situation per region', in particular 2.2 'Khyber Pakhtunkhwa', 2.4 'Sindh' and 2.6 'Islamabad Capital Territory'. Comments start at page [3](#).

For the EASO Afghanistan report, our comments are based on an initial reading of the report and we therefore only provide some general observations and recommendations. Comments start at page [17](#).

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<sup>1</sup>See [ARC and Dutch Council for Refugees \(DCR\), Comments on the EASO Country of Origin Information report methodology, November 2012](#)

<sup>2</sup>The [2015 EASO work programmes](#) set out to 'Evaluate use of the EASO COI methodology and functioning of specialist networks and consider revision', which unfortunately was not mentioned in the published [2016](#) and draft 2017 work programmes.



## **EASO Pakistan report**

### **General observations and recommendations**

#### **1. Methodology**

##### **1.1. Terms of Reference**

The Pakistan report includes in Annex 2 the Terms of Reference (ToR) used as a basis for this report, but does not explain further who drafted them and whether these were independently reviewed. Chapter '1.4. State ability to secure law and order' includes sub-headings on 'State protection, justice and security forces', 'Anti-Terrorism Acts', and 'Detention and death penalty', the content of which is analysed further [below](#). As active members of the Consultative Forum we would have welcomed the opportunity to input into the ToR and would have recommended to expand on the topic 'State ability to secure Law and Order' by including sub-topics that address the willingness and ability of the security forces to protect such as:

- State security and police forces: Size, resources available, training, effectiveness
- Targeted attacks against state security and police forces by anti-government elements
- Infiltration by anti-government elements in state security and police forces, evidence of corruption
- State security and police forces' involvement in human rights violations as they relate to the current security situation and related impunity

Following a cursory reading of Chapter 1. 'General description of the security situation in Pakistan' it seems that some information of use for section 1.4. 'State ability to secure law and order' is included in section 1.2.1. 'State armed forces', 1.3.1. 'Armed clashes and assaults', and 1.5.2. 'Civilian population'. By not including internal cross-linkages this information is likely to be overlooked when searching for the ability of the state to effectively provide protection to civilians.

##### **1.2. Author of the report and Review process**

It is a positive development that UNHCR reviewed a draft version of the Pakistan report. As stated in the introduction, we too would have welcomed the opportunity to submit our comments in advance of the report's final publication.

It is interesting to note that the EASO Pakistan report does not mention in its introductory section that a first draft version of the report was also published by the author, the Belgian Commissariaat-Generaal voor de Vluchtelingen en de Staatlozen (CGVRS) [Office of the Commissioner General for Refugees and Stateless Persons], in April 2016 which can be accessed [here](#).

##### **1.3. Reference period**

The introduction section of the EASO Pakistan report states that:

###### **Introduction**

This report is an update of the chapter on security of the EASO COI report on Pakistan, Country Overview (August 2015).

The report is based on information available up to 18 April 2016. The information in this report results from desk research of public specialised paper-based and electronic sources, which were consulted within the timeframe and the scope of the research. For media reports on security incidents mentioned for illustration under the regional description of the security situation, the reference period was from 1 January 2015 to 31 March 2016 [...]

All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report. This implementation of comments resulted in adding information beyond the mentioned reference period.

It is unclear why three separate time frames for research were used:

- For 'general' reports "up to 18 April 2016". No start date was included but it may be assumed that given it is an update of the chapter on security of the August 2015 EASO COI report on Pakistan in which information was included from 10 March – 4 May 2015, it was 5<sup>th</sup> May 2015. However, sources were included in the report that pre-dated the assumed starting date, providing some historical narrative.
- For 'media' reports the time-frame was from '1 January 2015 to 31 March 2016', pre-dating the previous Pakistan report and ending before the 'general' reference period without providing any explanation as to the reasoning behind such a decision.
- Additional COI was included post-dating the 'general' reference period if suggested by the reviewers.

For any end-user of this EASO Pakistan report having three separate time frames for research is confusing, especially for users doing follow up research for COI published after the EASO reports. We therefore recommend that in future only one reference period be agreed that clearly indicates the cut off point for events/incidents and if additional COI is recommended to be included by the reviewers, that this be specified in a relevant footnote.

#### **1.4. Sources of COI**

**1.4.1.** When reviewing sections 1.4 'State ability to secure law and order', 2.4 'Sindh' and 2.6 'Islamabad Capital Territory', we noticed that information was not included from several notable reports available at the time of drafting, including:

- United States Department of State Bureau of Diplomatic Security (OSAC), [Pakistan 2016 Crime & Safety Report: Lahore](#), 30 March 2016
- United States Department of State Bureau of Diplomatic Security (OSAC), [Pakistan 2016 Crime & Safety Report: Peshawar](#), 30 March 2016
- United States Department of State Bureau of Diplomatic Security (OSAC), [Pakistan 2016 Crime & Safety Report: Islamabad](#), 29 March 2016
- United States Department of State Bureau of Diplomatic Security (OSAC), [Pakistan 2016 Crime & Safety Report: Karachi](#), 29 March 2016
- Pakistan Institute of Legislative Development and Transparency (PILDAT), [Policing and Media in Pakistan](#), February 2016

- International Institute for Strategic Studies (IISS), [The Military Balance 2016](#), 9 February 2016 [Note that this publication is only available for a fee, but it might be worth considering whether EASO's funds could be utilised for such a purpose and investigate with the IISS regarding any possible copyright issues]
- Immigration and Refugee Board of Canada, [Pakistan: Police corruption; authorities responsible for receiving complaints against the police, including effectiveness; procedures to submit a complaint against the police \(2012-January 2016\) \[PAK105368.E\]](#), 14 January 2016
- Pakistan Institute of Legislative Development and Transparency (PILDAT), [Police System of Pakistan](#), October 2015

## 1.5. Presentation of COI

- 1.5.1.** A cursory reading of section 1.5.1. 'Sources' provides background information on the varying methodology used by four institutes for recording civilian fatalities. We welcome such an approach and find it very informative and useful.
- 1.5.2.** Our regularly made recommendation not to summarise several reports in one sentence has been implemented, making it clearer what information is EASO analysis, and what is a summary of COI.<sup>3</sup> However, a recommendation made in our previous commentary of November 2015 on the EASO Report 'Pakistan Country Review, August 2015' on the use and presentation of COI was not fully taken on board as most COI continues to be presented in this EASO Pakistan report not as direct quotes.<sup>4</sup> We continue to presume that this is because the report heavily relies on summaries. As our previous commentary highlighted we continue to consider it better practice if source material is directly cited where possible.
- 1.5.3.** Our previous suggestion to include the page number of the original report when citing sources has been implemented throughout this EASO Pakistan report.<sup>5</sup> This improves user-friendliness and traceability of the COI included. However, we note that there have been instances where the page number referred to in the footnote did not match the page number in the source, e.g. refer to the analysis below on the security situation in Sindh and Islamabad.

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<sup>3</sup>See Asylum Research Consultancy/Dutch Council for Refugees, [ARC and DCR comments on the EASO Country of Origin Information Report Pakistan Country Overview, August 2015](#), 20 November 2015, p. 3/4

<sup>4</sup>See Asylum Research Consultancy/Dutch Council for Refugees, [ARC and DCR comments on the EASO Country of Origin Information Report Pakistan Country Overview, August 2015](#), 20 November 2015, p. 4

<sup>5</sup>See Asylum Research Consultancy/Dutch Council for Refugees, [ARC and DCR comments on the EASO Country of Origin Information Report Pakistan Country Overview, August 2015](#), 20 November 2015, p. 3

## Section specific observations and recommendations

### Section 1.4. State ability to secure law and order

It is assumed that the intention of this section is to address the state's ability to protect civilians against security incidents in the context of an internal armed conflict as well as the state's ability to provide effective protection to persons that are specifically targeted due to their individual profile. However, it is considered that the COI included only addresses a limited number of the range of issues required to assess both the state's *ability* (which should include inter alia: capacity; resources and equipment; training; oversight and accountability; functioning of the judicial system; evidence of security forces themselves being directly targeted; impunity for human rights abuses committed by state actors) *and willingness to protect* (which should include inter alia: insurgent infiltration of the security forces; extortion and corruption e.g. evidence of bribes required to open cases, or police accepting bribes from perpetrators resulting them dropping cases, judicial corruption; denial of protection to particular groups e.g. women, ethnic minorities etc).

#### State protection and security forces

1. Information is included by the Bertelsmann Stiftung's Transformation Index (BTI) 2016, which although published in 2016 only covers the period from 1 February 2013 to 31 January 2015 and therefore falls outside the reference period set for this EASO Pakistan report.
2. Information included by the U.S. Department of State was incorrectly summarised. The EASO Pakistan report states that:

#### State protection and security forces

[...] According to US Department of State (USDOS), there is a functioning criminal justice system in Pakistan but the effectiveness of the police varies by district, ranging from reasonably good to ineffective

However, the original source, the annual human rights report covering 2015 published by the [U.S. Department of State, Country Reports on Human Rights Practices for 2015, Pakistan, 13 April 2016 \(last updated 14 April 2016\)](#), reported that [emphasis added]:

#### Executive Summary

[...] Other human rights problems included poor prison conditions, arbitrary detention, lengthy pretrial detention, **a weak criminal justice system**, lack of judicial independence in the lower courts, and governmental infringement on citizens' privacy rights. [...]

Section 1. Respect for the Integrity of the Person, Including Freedom from: [...]

d. Arbitrary Arrest or Detention [...]

Role of the Police and Security Apparatus [...]

Police effectiveness varied by district, **ranging from good to ineffective** [...]

3. Information is included on the human rights violations committed by the Pakistani security forces which we contend should be included in a distinct sub-heading and cross-referenced to the information included in the previous EASO Pakistan report published in August 2015, particularly to section 3. 'Human Rights Situation', 3.2 'General situation'.

4. Very limited information is included in this sub-section on the actual effectiveness of the Pakistani security forces to provide protection to targeted persons during periods of violence. For example, the following additional information from the referenced source the [Pakistan Institute of Legislative Development and Transparency \(PILDAT\), Policy Brief: Policy Recommendations for Reforms in Police, January 2016](#), could have been included as follows:

Executive Summary [...]

Police in Pakistan lacks operational capacity and external support and hence has been unable to create desired public value. [...]

The strategic interventions to reform police [...] need to be complemented by building police operational strength through working simultaneously on:

- i. Improvement in training through specialised training schools [...]
- ii. Strategic interventions in the police station such as security of tenure; increase in police strength annually by at least 10 % to meet international standards; improving police station response for women victims through women police stations; performance management; infrastructure and equipment support; reducing disconnect between police managers and frontline officers;
- iii. Replacing static stop and search pickets with well equipped Specialised Mobile Patrols; introducing 'stop and search form';
- iv. Countering spikes in violence and terrorism in urban areas through smart and preventive policing; understanding peculiar needs of rural policing;
- v. Making internal disciplinary proceedings fair and consistent;
- vi. Organised professional engagement within police to effectively pursue its legitimate organisational interests. [...]

Also not included in the EASO report, are the following additional extracts from the '[Revisiting Counter-Terrorism strategies in Pakistan: Opportunities and Pitfalls](#)' report by the International Crisis Group published in July 2015 which found that:

Six months later, amid continued terror attacks, the NAP [National Action Plan (to combat terrorism)] looks far more like a hastily-conceived wish-list devised for public consumption during a moment of crisis than a coherent strategy. Reliance on blunt instruments and lethal force to counter terrorism risks doing more harm than good when they undermine constitutionalism, democratic governance and the rule of law and provide grist to the jihadis' propaganda mill. A reformed and strengthened criminal justice system is pivotal to countering terror threats and containing violent extremism [...]

The military's continual undermining of civilian authority since democracy's restoration in 2008 will remain a major challenge to meaningful and sustained reform [...]

Despite claims to the contrary, the military, which has almost complete control over national security and counter-terrorism policy, also still distinguishes between "bad" jihadi groups, those targeting the security forces, and "good" jihadi groups, those perceived to promote its strategic objectives in India and Afghanistan [...]

The government should take on that challenge in order to replace an overly militarised response with a revamped, intelligence-guided counter-terrorism strategy, led by civilian law enforcement agencies, particularly the police. Dismantling terror networks, detaining and trying jihadi leaders and foot soldiers, disrupting terror financing and ending radicalisation through hate speech and literature will require reallocating limited resources in order to strengthen the capacity of the provincial police forces. While the three basic bodies of law, the Penal Code, Criminal Procedure Code and Evidence Act, need to be modernised, it is even more urgent to build police capacity to enforce them. That capacity has been gravely eroded due to the inadequacy of resources, training, internal accountability and autonomy.

An empowered, resourced police force remains the most credible tool for enforcing a sustained and successful counter-terrorism strategy. The current emphasis on revenge and retribution and the emasculation of fundamental rights and rule of law are undermining citizen confidence in the state to deliver justice, a flawed approach that also fuels grievances that benefit the violent extremists the NAP is aimed at combatting. [...]

The annual human rights report covering 2015 published by the [U.S. Department of State, Country Reports on Human Rights Practices for 2015, Pakistan, 13 April 2016 \(last updated 14 April 2016\)](#), which is included elsewhere in the report further stated with regards to corruption that:

[...] Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.

Corruption: Corruption within the lower levels of police was common. An April 2014 report by Transparency International asserted that the major causes of corruption were lack of accountability and low salaries. Some police charged fees to register genuine complaints and accepted bribes for registering false complaints. Bribes to avoid charges were commonplace. [...]

The [Pakistan Human Rights Commission in its annual report covering 2015](#), included elsewhere in the report, reported that:

[...] The government sidestepped the police reform agenda. The primary law-enforcing agency was generally deemed incapable of overcoming serious crimes and combating terrorism and was often accused of inefficiency, corruption and politicisation [...]

With the increase in lawlessness, the chances of radicalisation of members of security organisations such as police have increased manifold. [...]

None of the provincial governments appeared interested in genuine police reforms. While Khyber Pakhtunkhwa touted its so-called police reforms, no lasting administrative and legal changes were made. The policing mode remained reactive in practice. [...]

The following additional sources of COI found in the public domain report on the effectiveness of the Pakistani security and police forces as follows:

The [United States Department of State Bureau of Diplomatic Security \(OSAC\) report on 'Crime & Safety' in Lahore, published in March 2016](#), reported that:

[...] In 2015, there was an overall decrease in the number of terrorist attacks in Pakistan; however, terrorist groups have focused their efforts on minority religious groups and Pakistani government targets, with an emphasis on security and law enforcement facilities and personnel [...]

The Punjab police is the largest police force in Pakistan, numbering over 180,000 active members; however, funding, resources, and training for them, as with the rest of the Pakistani police services, remains low. Police services remain well below modern standards [...]

The same source, the [OSAC, but reporting on 'Crime & Safety' in Peshawar in March 2016](#) noted that:

[...] A combination of civilian and military forces comprises the security agencies in northwest Pakistan. Security forces are professional; nonetheless, they lack adequate equipment, communications



technology, and training. In general, police response to criminal incidents is inconsistent. Police and government forces are common targets of terrorist attacks, and the local threat environment requires authorities to focus on anti-terrorist activity, force protection, and infrastructure security. As a result, police often neglect routine law enforcement work against criminals. [...]

On the situation in [Islamabad the OSAC report, published also in March 2016](#), noted that:

[...] The under-reporting of crime is due in large part to insufficient police presence, response capabilities, and the public's negative perception of the police. Police services are below Western standards and are non-existent in some areas. Police records are not computerized, so there is no national database for criminal records. Traditional crime fighting, community policing campaigns, and other regular police services face severe deficiencies due to the security services' focus on counter-terrorism activities. Corruption within the police and security services, especially the lower levels, is widespread. The country is consistently rated very low when it comes to corruption at all levels of government. The major cause for corruption in this sector is the lack of accountability and low salaries. Payment of bribes to avoid charges is commonplace. [...]

With regards to [Karachi, the same source, the OSAC, published its 'Crime & Safety' report also in March 2016](#) and stated that:

[...] The police services are below the professional standards of the U.S. due to a lack of training/resources and low salaries. The conduct of investigations, arrests, and prosecutions is also affected by political influence. The Karachi police have difficulty in responding to emergencies in many of the more violent areas of the city and are actively denied access to some neighborhoods.[...]

In its [February 2016 briefing on 'Policing and Media in Pakistan', the Pakistan Institute of Legislative Development and Transparency \(PILDAT\)](#) reported that:

[...] In Pakistan, the crisis of law and order has worsened over the years. The primary law enforcing agency of Pakistan – the Police -- has been deemed as incapable of managing its obligations, especially in overcoming serious crimes and combating terrorism. The Police in Pakistan suffer from much criticism for their inefficiency, public dealing, and are often accused of corruption and politicization. Negative perception of police among the general public and the media is a major concern for officers themselves. Since independence, there has been no real or significant progress in reforming and restructuring the police system inherited from colonial times except the democratic Police Order 2002 which was ironically introduced under a military regime replacing the colonial Police Act 1861. That move also failed to achieve the desired outcome owing to the opposition from provincial political executives and the bureaucracy and lack of leadership on part of police leaders. Importantly, the reform efforts have avoided responding to core policing deficits such as in training, police station responsiveness, investigations and broadly in management and leadership [...]

The same source, [Pakistan Institute of Legislative Development and Transparency \(PILDAT\), in its October 2015 report on 'Police System of Pakistan](#) found that:

#### Executive Summary

In Pakistan, the crisis of law and order has worsened over the years. Unfortunately, the primary law-enforcing agency of Pakistan has been deemed as progressively incapable of managing its increased obligations, especially in overcoming serious crimes and combating terrorism. The Police in Pakistan suffer

from much criticism for their inefficiency, public dealing, and are often accused of corruption and politicisation [...]

#### Infrastructural and Capacity Building Issues

There are serious infrastructural and capacity building issues inflicting the police forces across Pakistan.

Though of late there has been some awareness and interest to address these issues, particularly in relation to the use of science and technology by law enforcement agencies in the country, it is felt that there has to be a sharper focus [...]

#### Performance and Capability Crisis

Efficient and effective service delivery, particularly in a situation of performance and capability crisis, is a focus of many police forces around the world. The crisis is more profound in a country like Pakistan where police recruitments are rarely on merit. There is inadequate provision of quality pre- and in-service training [...]

#### Systemic Issues

There are several systemic issues confronting the anachronistic police organisations in Pakistan. These include the inherited police system, politicisation of police, structural maladies, police performance measures not based on internationally-held standards, lack of police professionalization, police organisations not in tune with the current challenges, police highhandedness and corruption, low police accountability, directly recruited versus promoted officers, inadequate police budgets, poor working conditions, insufficient forensic and technological support, and adversarial police-public relationship. Lack of effective coordination between intelligence agencies is also a major systemic constraint. [...]

#### Inadequate Police Strength and Insufficient Police Budget

Pakistan Police System suffers from serious qualitative and quantitative inadequacies. While UN standards recommend a police to population ratio of 1:222, the ratio in Pakistan, at around 1:500, presents an abysmal comparison.

If we exclude around 30% of police strength that in Pakistan is deployed exclusively on VIP protection, the already dismal ratio almost becomes 1:720. It is important that while discussing police to population ratio, we also keep in view factors like quality of police force, and the nature and extent of law and order challenges at hand. [...]

The abysmally poor budgetary allocation inevitably means that not enough money is available for improving the rank and file salaries, housing, transport facilities and health care. No wonder that living off the land in turn leads to greater systemic corruption and widespread highhandedness on the part of police [...]

#### Ineffective Intelligence Coordination

The real time criminal intelligence is potentially available at the Police Station level. Sadly, due to adversarial police-public relationship, the lines of intelligence flow from the community to the local police are virtually choked. That is why it is so critical to reinvent the Police Station. Besides Police, the Intelligence Bureau, ISI, MI and Provincial Special Branches are all mandated to gather intelligence on regular basis. However, there being no institutional mechanism for efficient intelligence sharing, the intelligence available with different agencies is not put to effective use. In the face of terrorism challenge, in particular, what we require is build strong partnerships between various stakeholders and provide the multi-agency perspective necessary to achieve the shared objective of defeating those involved in serious crime. [...]

#### Terrorism issues [...]

Though military and paramilitary forces in Pakistan are playing a lead role in the fight against terrorism, the control of terrorism is primarily a police function. If well trained, well equipped, and well-resourced, the police are generally better suited for counterterrorism functions of targeting hardening, investigation and prosecution, and pre-emptive disruption. Their intelligence network going down to the level of Police Station can be an effective tool in the fight against terrorism. Pakistan Police have made tremendous sacrifices while fighting terrorism, and have won many a battle. They can do better. The reasons why they

are not measuring up to their mandate include police politicisation, lack of professionalism, inadequate resources, and, not infrequently, an inept leadership [...]

The [Immigration and Refugee Board of Canada reported in its January 2016 research response on 'Pakistan: Police corruption; authorities responsible for receiving complaints against the police, including effectiveness; procedures to submit a complaint against the police \(2012-January 2016\) \[PAK105368.E\]'](#) that:

[...] According to sources, police in Pakistan are corrupt (US 25 June 2015, 1; AP 30 Mar. 2013; Professor 9 Dec. 2015). In correspondence with the Research Directorate, a representative in Pakistan from Transparency International (TI), an organization established in over 100 countries that "work[s] with partners in government, business and civil society to put effective measures in place to tackle corruption" (TI n.d.), stated that the police are ranked as one of the most corrupt institutions in Pakistan (TI 4 Dec. 2015).

According to sources, poor working conditions (TI 2014, 101; USIP 2014, 4; Asia Society July 2012, 26) and economic difficulty are contributing factors to police corruption (ibid., USIP 2014, 4). According to a 2012 report entitled *Stabilizing Pakistan Through Police Reform*, published by Asia Society[1], in larger cities, due to economic factors "police are forced to live in slums on the periphery" of the city, which exposes them to criminal influences in their neighbourhood (ibid., 27). Examples of police corruption include:

- Collecting bribes (ibid.; Professor 9 Dec. 2015; US 25 June 2015, 36);
  - Extrajudicial killing (ibid., 2; Freedom House 2015; AHRC 2013, 140);
  - "Torture" (US 25 June 2015, 6; AHRC 2013, 139) or "use of force to obtain confessions" (USIP 2014, 2);
- and
- Collecting protection money from criminals and illegal operations (TI 4 Dec. 2015).

In a telephone interview with the Research Directorate, a professor with the Department of Sociology and Criminal Justice at the State University of New York, Oneonta, stated that Punjab is the "worst" region for police corruption, especially "custodial killings," which are incidents whereby individuals are killed in police custody, but the death is blamed on an outside "encounter" such as resisting arrest (Professor 9 Dec. 2015). [...]

Sources state that political interference in the police force is a problem (US 25 June 2015, 11; Professor 9 Dec. 2015; Dawn 24 Feb. 2015). Sources further state that political leaders use the police as a tool for their own gains (ibid.; USIP 2014, 2; TI 4 Dec. 2015) and that officer selection and promotion is based upon political patronage (Dawn 24 Feb. 2015; USIP 2014, 3; Asia Society July 2012, 25). According to sources, there is a lack of political will to address corruption within the police (AP 30 Mar. 2013; Freedom House 2015; USIP 2014, 10). [...]

5. As already mentioned further above in this commentary, information and cross-linkages with other sections within the report are missing on the actual numbers, resources available, targeted attacks against security and police forces, and general effectiveness of the Pakistani security and police forces. In addition, COI on infiltration by anti-government elements into the security forces is lacking. For example [The Express Tribune reported in May 2015](#) that:

Some 140 out of nearly 30,000 suspects rounded up in nationwide swoops under the new counterterrorism plan have been "aiding and facilitating hostile foreign spy agencies", a senior official at the interior ministry said on Sunday. "These suspected spies had been caught during raids in Balochistan, tribal regions and Karachi," the official, who is responsible for monitoring progress on the National Action Plan (NAP), told *The Express Tribune* [...]

In its [2015 'Pakistan Security Report'](#) the [PAK Institute for Peace Studies \(PIPS\)](#) reported that:

[...] another important but neglected area in counterterrorism framework is about jail security and reforms. They are critical today, given that some terrorist groups have infiltrated in the ranks of police and jails officials [...]

## Justice

Limited information is included on the efficiency and corruption of the criminal justice system, and on the establishment and misuse of military courts. This information is likely to be mainly of relevance for targeted individuals who are arrested in the context of the armed conflict and who fear the Pakistani authorities for convention reasons, for example alleged involvement with anti-government groups or in anti-government activities. Should this be the intention of the author of this report then this should have been made clearer and a separate section dedicated to this topic and related issues should have been included (see our recommendation further below on section 1.4.3 'Detention and death penalty').

### 1.4.2. Anti-Terrorism Acts

Additional information found in one of the sources cited could have been added to the EASO Pakistan report. The EASO Pakistan report cites the Pak Institute for Peace Studies (PIPS) as stating:

#### 1.4.2. Anti-Terrorism Acts [...]

According to PIPS, NAP is only partially successful, mainly due to lack of coordinated responses.

Yet, the report by the [Pak Institute for Peace Studies \(PIPS\), Executive Summary of comprehensive package of NAP, 14 December 2015](#) goes further and states:

- Although the country has been vowing to take action against all sorts of armed groups, including those attacking across the border, the government's subsequent action and statements suggest lack of clarity on dealing with certain groups. [...]
- There has been zero conviction in terror financing, a subject that stays untouched because of the government's lack of understanding of the web of militant economy. Even estimates about terror financing are unclear [...]
- Although the government claims to have restored security in parts of FATA, nothing practical is done to introduce the long-demanded administrative reforms. The counter-militant approach in FATA has been too military-centric, ignoring the fruits of mainstreaming the area.
- The government claims to have dismantled terrorist networks, several of which operated from North Waziristan. Independent observers argue although terrorist networks have been weakened and their capacity to operate hampered but they are not completely dismantled. [...]
- That the Prime Minister vowed to end militancy from Punjab, to many, showed the government's admission of the presence of militants in Punjab. Questions are asked as to whether the government will ever take on all outfits.
- Publicly, the operation in Karachi has lately been focusing on targeting political players of the town. There are also clear signs that the operation has effectively reduced terrorist attacks and criminal activities in the metropolis. Prime Minister Sharif has frequently deflected political opposition to the operation, saying that it will continue till its logical end.
- Although NAP calls for the empowering Balochistan government to pursue reconciliation **policy** with the disgruntled Baloch, heavy-handed measures of dealing in Balochistan continue to trickle in the media. To

some Baloch nationalists, the approaches are poles apart. The apparent decline in sectarian attacks in Balochistan is owed to provincial and national developments against sectarian groups and their leaders.

- The government's approach in dealing with sectarian terrorists has been oriented around counter-terrorism, without addressing the causes promoting sectarian minds. Several key sectarian militants including leaders have been killed and arrested; meanwhile, sectarian groups are also trying to mark political presence. [...]
- The police need to be equipped with new technologies and resources but utilizing the available and allocated resources for the force is another critical issue. The operational and technical assistance and capacity building of police is an important area that needs focus. The training programs need to be focused on technology-led policing along with attention to management, intelligence gathering, mobility and connectivity. At the same time, the NAP should prioritize the de-politicization of police, which is the key to making it a professional force. [...]

### **1.4.3. Detention and death penalty**

It is considered that information on detention conditions and the (increased) use of the death penalty, together with COI on the criminal justice system and the introduction of military courts should belong to a new and separate section for those who fear the Pakistani government for being perceived as a member or supporter of anti-government groups or activities and thus fear persecution on the grounds of imputed political opinion (i.e. Refugee Convention ground) and not in a report that specifically looks at the security situation in Pakistan (i.e. Article 15 (c) reason). Should this information remain in such a report in the future, then we would recommend grouping it together under a new section heading for ease of reference and user-friendliness.

## **Section 2. Security Situation per Region**

Compared to the 2015 EASO Afghanistan report, which also focused on the security situation, the EASO Pakistan report does not include discreet sub-regional sections on 'Victims', i.e. targeted attacks against specific profiles, and only inconsistently includes sub-sections on 'Displacement'.

In the security situation section on 'Khyber Pakhtunkhwa' the targeted attacks against "security forces, educational institutions, health workers, the Shia religious community, political leaders/workers, tribesmen, power installations, government officials and buildings, Sikh community and places of worship" is mentioned in one sentence. It would be useful if such information would have been found under a separate sub-section on 'victims' with specific COI exemplifying such attacks, their frequency and fatality rates for these specific profiles.

Similarly, whilst the security situation section on 'Sindh' refers to the targeted killings of members of the Shia-community in sub-section 2.4.2 and targeted attacks against "political leaders and workers" in sub-section 2.4.3, it would improve user-friendliness if a separate sub-section on 'victims' would be included that provides detailed COI on the targeted attacks of certain profiles.

In addition, it is recommended to include a specific sub-section on 'displacement' under 'Impact of the violence' for each region. Despite some information on the numbers of displaced being included in 1.5.2 'Civilian population', specific information on the socio-economic situation of returnees and those IDPs living in a specific region would have been useful. Despite this report focusing mainly on the security

situation in Pakistan's provinces, a section on the living conditions and situation of returnees and IDPs living in these provinces are also important indicators of the humanitarian situation on return or the reasonableness of relocation, which is necessary for decision-makers to assess eligibility for international protection for this profile of applicant.

## **2.2 Khyber Pakhtunkhwa**

### **2.2.2. Description of the violence**

The EASO Pakistan report states that:

#### **2.2.2. Description of the violence**

[...] Besides terrorist attacks, the province also experienced ethnic/political violence, clashes between security forces and militants, inter-tribal clashes, Pakistan-Afghan border attacks, inter-militant clashes, abductions by militants and militants-tribesmen clashes (336). [...]

(336) PIPS, 2015, Pakistan Security Report, 2016, pp. 13-18.

However, the actual source, the PAK Institute for Peace Studies (PIPS) report does not refer to Pakistan-Afghan border attacks, inter-militant clashes, abductions by militants and militants-tribesmen clashes in the pages referenced in the footnote nor elsewhere in the report in relation to Khyber Pakhtunkhwa.

Information included by the Center for Research and Security Studies (CRSS) in the EASO Pakistan report states that:

#### **2.2.2. Description of the violence**

[...] Methods of violence used during 2015 included executions, bomb explosions, abductions where captors were killed and their bodies dumped, suicide attacks, hand-grenade attacks, armed attacks, indiscriminate firing, IED explosions and cross-border attacks. The counter-violence operation carried out by security forces in the province featured air raids and clashes with militants. Custodial deaths, beheadings and executions by militants in the province were reported by CRSS as well. The emphasised methods of violence are categorised in the CRSS report under 'other' in a table comparing the numbers of incidents in 2013, 2014 and 2015. However, it is not specified whether each of these incidents took place in 2015 or in other years (337)

(337) CRSS, Pakistan Conflict Tracker Report/Annual Security Report 2015, 2016, pp. 39-40

However, reverting back to the original source, the CRSS report, the summarised conclusion included in the EASO Pakistan report is less clear. The original source includes a table outlining the nature of violence to have occurred during 2015 as follows (in order of highest number of fatalities):

- Gunned down (137)
- Other\* (70)
- LEA encounter (61)
- Armed attacks (57)
- Suicide attacks (50)
- Dead body found (28)
- Clashes with LEAs (27)
- Indiscriminate shooting (11)

- “Other includes hand grenade, rocket, and mortar attacks; suicide, toy bomb, IED, accidental and landmine explosions; air raids, ground operations, LEA encounters and police raids; protests, defused bombs, jail breaks and cross-border attacks; robberies, and other forms of killings; custodial deaths; beheadings and executions by militants”

## 2.4 Sindh

### 2.4.2 Description of the violence & 2.4.4 Impact of the violence

While we appreciate that page numbers are now included in the references we note that in the section on Sindh some references to specific pages are incorrect. For example, in relation to the [PIPS 2015, Pakistan Security Report](#) cited in sub-sections 2.4.2 ‘Description of the violence’ and 2.4.4 ‘Impact of the violence’:

- In footnotes 402 and 403 reference should be made to pages 21 and 25, not page 19;
- In footnote 418, reference should be made to pages 21 or 29, instead of page 19;
- In footnote 419, reference should be made to page 21, instead of page 19.

### 2.4.2 Description of the violence

Information included in this sub-section is misleading and has not been fully quoted, thereby distorting its original meaning. The EASO Pakistan report reads:

#### 2.4.2 Description of the violence [...]

In interior Sindh, 17 terrorist attacks were counted, a decrease of almost 45 % on the previous years (402) [...]

The original source, the [2015 ‘Pakistan Security Report’ by the PAK Institute for Peace Studies \(PIPS\)](#), however, noted that:

As many as 101 people were killed in Sindh (excluding Karachi) and 131 others sustained injuries in a total of 17 reported terrorist attacks in 2015. This marked a significant 339 percent increase in terrorism-related fatalities in interior Sindh, compared to previous year, despite a 45 percent decrease in the number of terrorist attacks.

With regard to the types of attacks, the EASO Pakistan report refers to the [PICSS Annual Security Report 2015, which mentions:](#)

#### 2.4.2 Description of the violence [...]

In terms of types of attacks, PICSS mentions militants’ physical assaults, targeted killings, suicide attacks and IEDs attacks (409) [...]

However, the description leaves out PICSS’s mention of grenade attacks, kidnappings and killings as per ‘Table 16: Type of militant attacks in Sindh and their human impact’ on page 32 in the PICSS report.

#### **2.4.4 Impact of the violence**

The section on Sindh concludes with the statement that the high number of fatalities among militants:

##### **2.4.4 Impact of the violence [...]**

This was due to the ongoing operations in Karachi and interior Sindh against militants, carried out by the Rangers (428).

Whilst the underlying source, [Dawn, Operation being extended to interior of Sindh](#), indeed describes the operations carried out by the Rangers, the article does not conclude any causal relation between these operations and the high number of fatalities amongst militants.

## **2.6 Islamabad Capital Territory**

### **2.6.3 Actors in the conflict**

Whilst the EASO Pakistan report identifies Jundullah, a splinter group of the TTP, as an actor in the conflict in Islamabad with reference to the [PIPS 2015 Pakistan Security Report](#), it does not do so for Sipah-e-Muhammed Pakistan, which according to that same PIPS Report at page 11 was responsible for 2 of the 3 attacks in the capital territory in 2015.



# EASO Afghanistan report

## General observations and recommendations

### 1. Methodology

#### 1.1. Terms of Reference

It is a positive development that UNHCR were asked to provide input on the ToR of the EASO Afghanistan report. It is interesting to note here that the NGO representative who was invited to review the draft report, was not approached to contribute or review the ToR. We think that the independent reviews should review the ToR as well as the draft report and as mentioned above in relation to the EASO Pakistan report, as active members of the Consultative Forum we would have welcomed the opportunity to input into the ToR of the EASO Afghanistan report as well. We would have recommended to change the title of the report to better reflect its actual content, i.e. to make clear that information on the recruitment of children, including by the Afghan National Security Forces is also included. In addition, we would have stressed the importance of including a section on efforts by the Afghan state to prevent and combat forced recruitment, prosecute those responsible for forced recruitment, and efforts to provide assistance to those who have fled forced recruitment.

#### 1.2. Country experts

1. It is a very welcomed development that country experts were interviewed for this EASO Afghanistan thematic report. Seven interviewees are listed in the introductory section, although for two no further information is provided as to when and how they provided their comments. In addition, an international organization working in Afghanistan has been listed as an 'anonymous source' in Annex 1: Bibliography providing comments via email in September 2015, much earlier than the other experts listed in the introductory section, but was not mentioned with the other country experts consulted for this report.
2. It appears that the country experts' comments have been included throughout the report, suggesting that they have been asked to provide their views on a number of questions and issues in relation to recruitment of armed groups. It would have been interesting to note, for example in an Annex, the phrasing of the questions posed; whether all interviewees were asked the same set of questions; how structured the interviews were; whether the interviews were recorded and whether the interviewees were given a chance to review their responses included in the report before publication.

#### 1.3. Review process

We very much welcome the development that both UNHCR and a NGO representative were given the opportunity to review a draft version of the EASO Afghanistan report. As stated in the introduction, we also would have welcomed the opportunity to submit our comments in advance of the report's final publication.

#### 1.4. Reference period

The introduction section of the EASO Afghanistan report states that:

This report is an update of EASO's first Country of Origin Information report "Afghanistan, Taliban strategies, recruitment" (2012) (3). The report presents information until 19 August 2016.

Whilst it is positive that a clear end-date of the reference period is stated, no clear start date was included, but it may be assumed that given it is an update of the previous EASO COI report on Afghanistan's Taleban recruitment strategies which was finalised in June 2012, it was July 2012. However, we contend in future that this be made clear in order to aid users' follow up research.

#### 1.5. Presentation of COI

1.5.1. We very much welcome the combination of presenting both COI available in the public domain and commentaries from country experts in this EASO Afghanistan report and consider that this could be a useful way forward for future EASO COI reports.

1.5.2. A useful commentary by one of the reviewers, a NGO representative, on the difficulties of accessing information on insurgent recruitment is included in the introductory section. Whilst it is appreciated that her views have been incorporated in the report, due to where it is included in the report, it might be easily overlooked. Alternative sections for inclusion could have been the introductory paragraph of sections 1.5., 2.1.4., 3.1., and 5.2., which all deal with forced recruitment and the use of coercion

1.5.3. Our previous recommendation in other commentaries not to summarise several reports in one sentence or paragraph<sup>6</sup> has unfortunately not been implemented consistently throughout this report. This makes it much harder to differentiate what information is EASO analysis and what is a summary of COI or comments provided by a country expert. To exemplify, in the sub-section 1.3. 'Ethnic and tribal affiliation' of members of the Taliban, the EASO Afghanistan report states:

Borhan Osman states that the recruitment by the Taliban is not determined by ethnicity. It depends on the local dynamics of the conflict. Tajik, Uzbek, Turkmen and Chechen fighters have been recruited as well (71).

A look at the footnote (71) reveals that a number of sources have been summarised here without clearly indicating which information is attributable to which source:

(71) Osman, Borhan, telephone interview, 4 April 2016; NY Times, A Taliban Prize, Won in a Few Hours After Years of Strategy, 30 September 2015; Khaama Press, Karzai had ordered not to

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<sup>6</sup>See for example Asylum Research Consultancy/Dutch Council for Refugees, [ARC and DCR comments on the EASO Country of Origin Information Report Pakistan Country Overview, August 2015](#), 20 November 2015, p. 4

attack the Taliban training center in Logar, 14 September 2015; Diplomat (The), Here's the Most Disturbing Thing About the Taliban Takeover of Kunduz, 2 October 2015.

- 1.5.4. Another recommendation made in previous commentaries<sup>7</sup> on the use and presentation of COI was not fully taken on board as most COI continues to be presented in this EASO Afghanistan report not as direct quotes. We continue to presume that this is because the report heavily relies on summaries. As our previous commentary highlighted we continue to consider it better practice if source material is directly cited where possible, including that of country experts interviewed for this particular report.
- 1.5.5. Our previous suggestion in other commentaries to include the page number of the original report when citing sources has been implemented throughout this EASO Afghanistan report.<sup>8</sup> This improves user-friendliness and traceability of the COI included.

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<sup>7</sup>See for example Asylum Research Consultancy/Dutch Council for Refugees, [ARC and DCR comments on the EASO Country of Origin Information Report Pakistan Country Overview, August 2015](#), 20 November 2015, p. 4

<sup>8</sup>See for example Asylum Research Consultancy/Dutch Council for Refugees, [ARC and DCR comments on the EASO Country of Origin Information Report Pakistan Country Overview, August 2015](#), 20 November 2015, p. 3