

Narcotics Offences Dataset

Statistical Analysis & Qualitative
Overview for Pakistan

1st Statistics Report
on Narcotics Offences in Pakistan

2024

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1. Introduction

This publication delivers a comprehensive analysis of narcotics offences in Pakistan, encompassing arrest statistics, incarceration demographics, legal amendments, and systemic challenges within the criminal justice system. Understanding the nature and scope of these offences is crucial for effective policy formulation and law enforcement strategies.

Over the past decade, the global prevalence of drug use disorders has surged to 39.5 million individuals, marking a substantial 45% increase. However, drug laws, policies, and drug control & treatment practices often do not take into account the right to the highest attainable standards of health and the need for voluntary access to harm reduction services and drug dependence treatment. Compulsory drug treatment, the lack of harm reduction measures and voluntary treatment including in prisons, over-incarceration and prison overcrowding and its adverse impact on the health of incarcerated persons who are drug dependent and limited access to health care, the use of the death penalty for drug related offences, and their disproportionate impact on vulnerable groups remain key human rights concerns in the global legal and policy framework with regard to addressing issues related to drug control.

The extensive allocation of resources, including monthly visits by judges to jails for the release of imprisoned individuals under petty offences, contributes to the strain on the criminal justice system. Most of these individuals are charged under Sections 9(a) and (b) of the Control of Narcotics and Substances Act 1997 (CNSA). Lengthy trials necessitate the involvement of prosecutors, forensic department personnel, and judges, further adding to an overburdened justice system.

Additionally, imprisoning individuals for drug-related offences exacerbates the strain on Pakistan's already overcrowded jails. As of December 2023, Pakistani prisons are operating at a staggering rate of 152.2% of its actual capacity, hNSA) would indeed constitute a significant reform measure.

1. OHCHR, (2023) 'Human rights challenges in addressing and countering all aspects of the world drug problem', <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects>

2 Factsheet 2023: Prison Population of Pakistan: <https://jpp.org.pk/wp-content/uploads/2023/12/Fact-Sheet-Final-2023.pdf>

This statistics report will serve as compelling evidence for policymakers, law enforcement agencies, researchers, and stakeholders involved in shaping sentencing guidelines and policies for narcotics-related offences in Pakistan.

The process of arrest leading to imprisonment for narcotics offences, has been detailed in the Control of Narcotic Substances Act, 1997 (CNSA) and Anti-Narcotics Force Act 1997. The CNSA lays out the powers of the police with respect to detaining persons charged with an offence under the CNSA, and grants exclusive jurisdiction to Special Courts to try these cases.

2. Process Flow: from Arrest to Imprisonment

The process of arrest leading to imprisonment for narcotics offences, has been detailed in the Control of Narcotic Substances Act, 1997 (CNSA) and Anti-Narcotics Force Act 1997. The CNSA lays out the powers of the police with respect to detaining persons charged with an offence under the CNSA, and grants exclusive jurisdiction to Special Courts to try these cases.

Through a detailed analysis of the process flow from arrest to imprisonment and the analysis of disaggregated data, this dataset identifies systemic challenges and explores opportunities for strategic, human rights based reform. It focuses specifically on narcotics offences under the CNSA, providing insights into the functioning of the system and the implications for individuals incarcerated under CNSA-related offences.

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Step 1: Arrest and Investigation

Sections 21 and 22 of the CNSA authorise an officer, not below the rank of a Sub-Inspector of Police, or equivalent (as authorised by the Provincial or Federal Governments), to detain individuals for narcotics offences. Such an officer can make an arrest when there is suspicion or evidence that has arisen from various sources including, surveillance, investigations, tips from informants, or intelligence gathering.

Moreover, the Anti-Narcotics Force (ANF), with 32 stations nationwide, has also been authorised to inquire and investigate crimes that fall under the CNSA. Section 5 of the Anti Narcotics Force Act 1997 authorises the ANF to inquire into, investigate and prosecute any offence committed under the CNSA. Section 6 allows the ANF to carry out search, arrest and seizure of property in relation to narcotic offences.

Investigation into narcotics offences is conducted by either the ANF or police, during which confiscated drugs are tested by forensic departments. Testing is carried out by Government Analysts under section 36 of the CNSA and Rule 4 of the CNS Rules.

3. OHCHR, (2023) 'Human rights challenges in addressing and countering all aspects of the world drug problem', <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects>

Step 2: Trial

The CNSA has notified Special Courts under Section 46 to try narcotics cases. Currently, there are 6 Special Courts (Control of Narcotics Substances) that try cases under the CNSA.

Step 3: Sentencing

Previously, sentences under Section 9(a), (b), and (c) of the Control of Narcotics Substances Act (CNSA) in Pakistan could vary depending on the amount of substance, but did not differentiate between the category of the substance. In 2009, the Lahore High Court laid out uniform sentencing guidelines for narcotic offences in its *Ghulam Murtaza vs The State*. These guidelines were upheld by the Supreme Court of Pakistan in 2019.

In 2022, an amendment to the Act introduced new penal and sentencing practices regarding narcotics, psychotropic, and controlled substances. The previous provisions of the act treated all substances equally by linking punishment solely to quantity. This approach was reassessed to factor in both quantity and the nature of the substance. Additionally, capital punishment was restricted to only one instance, i.e., possession of heroin exceeding 6000 grams. However, through a later amendment in 2023, the death penalty was completely eliminated for drug related offences.

4. Ghulam Murataza and another v. The State (PLD 2009 LAH 362 <http://sindhimeons.blogspot.com/2017/04/p-l-d-2009-lahore-362.html>)

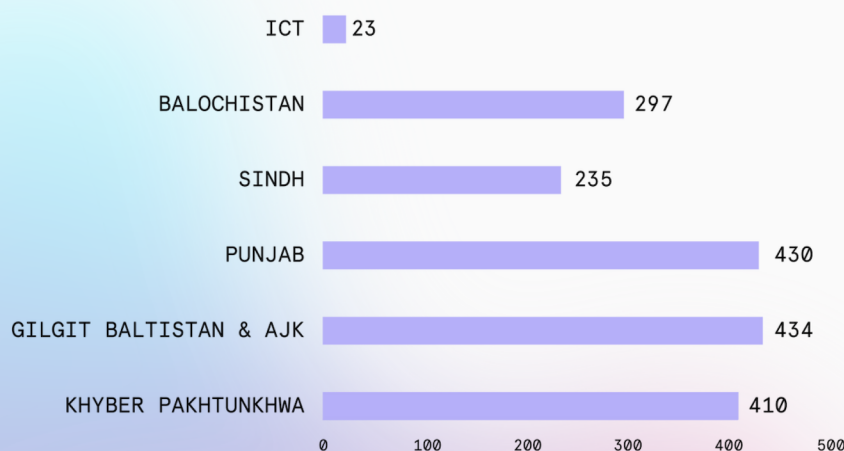
RSIL, Reviewing the Legal Framework on Control of Narcotics Substances in Pakistan, <https://rsilpak.org/2022/reviewing-the-legal-framework-on-control-of-narcotic-substances-in-pakistan/>

3. Arrest and Imprisonment Statistics

a. Arrest Statistics by Anti Narcotics Force (ANF)

Pakistan's drug control landscape grapples with systemic challenges, mitigated by recent positive progress. The 2019 National Anti-Narcotics Policy focuses on limiting drug supply and reducing local demand, emphasizing international cooperation. While it does address treatment and rehabilitation, it remains a predominantly punitive approach to drug policy, and its implementation has been sluggish.

There have been 1,782 arrests made by ANF during 2023, with 30% arrests made in Gilgit Baltistan and Azad Kashmir alone. The breakdown of arrests with respect to provinces and territories is shown in Figure 1 and Figure 2



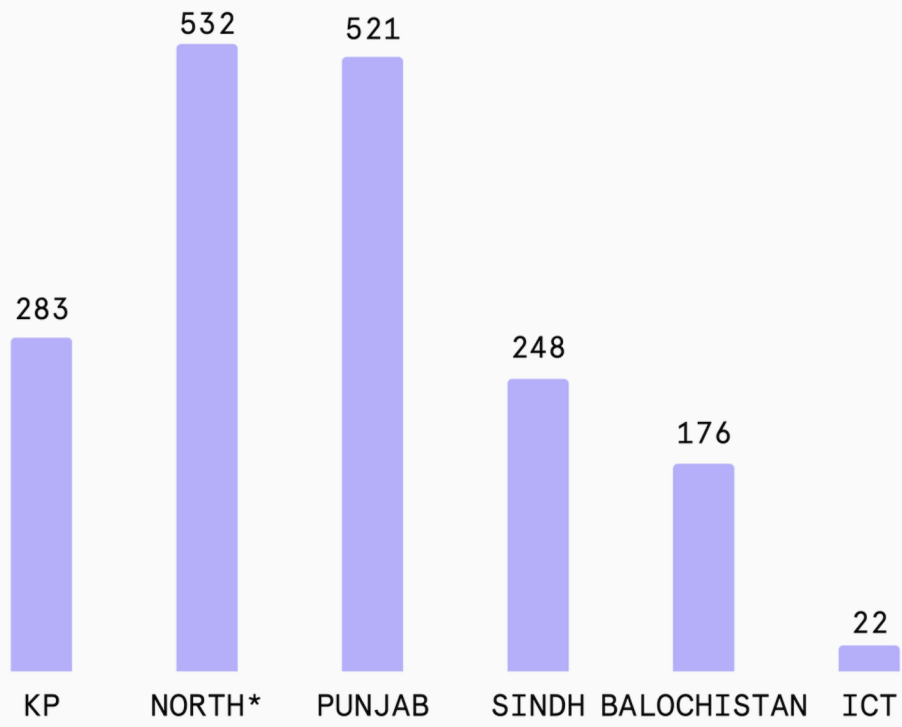


Figure 2: Number of Individuals Arrested by ANF during Jan-Dec, 2023

*North includes Gilgit-Baltistan & Azad Jammu & Kashmir

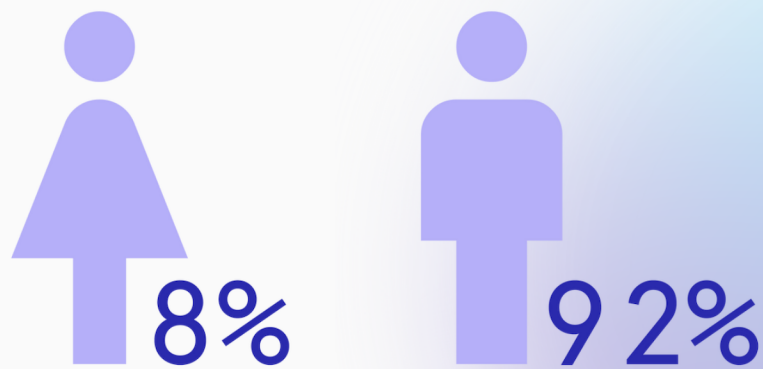


Figure 3: Gender-wise breakdown of arrests made during Jan-Dec, 2023

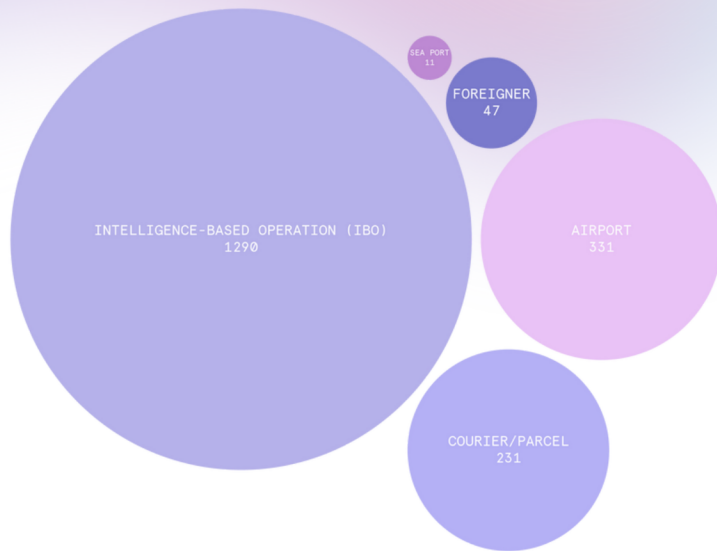


Figure 4: Distribution of ANF cases w.r.t type (jan-dec, 2023)

Approximately 66% of narcotics cases handled by ANF during the year 2023 were based on intelligence-based operations (IBO), consisting of a total of 1,209 cases. Figure 4 represents the breakdown of the rest of the ANF narcotics cases during January to December in 2023.

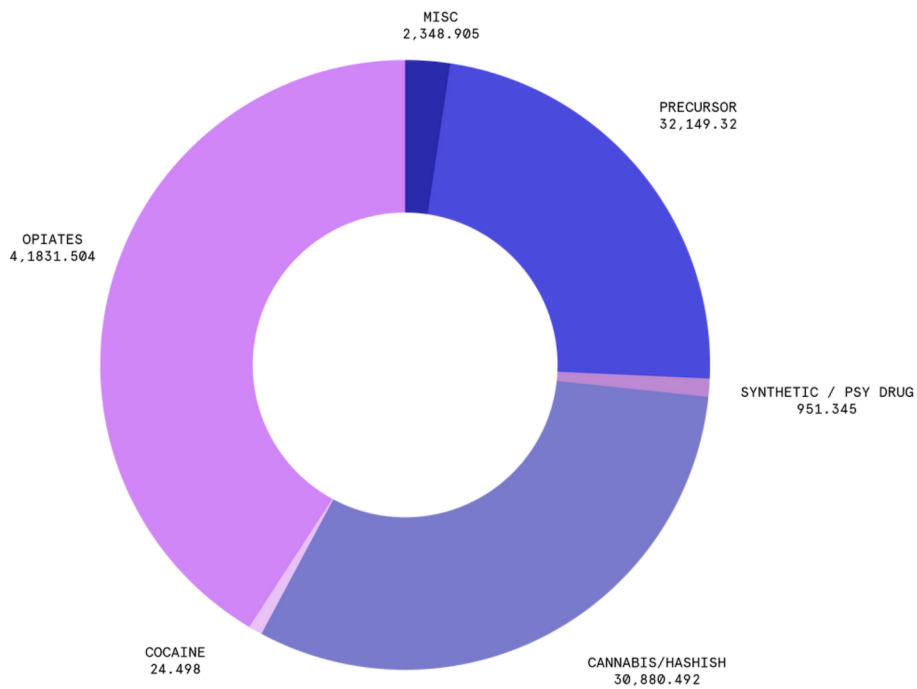


Figure 5: Quantity of drugs confiscated and burnt by ANF from jan-dec, 2023 (in Kgs)

B. Incarceration under Drug Offences

In Pakistan, 19,495 individuals are imprisoned for offences under the Control of Narcotic Substances Act (CNSA), representing approximately 19.64% of the .

country's overall prison population. Among the provinces, Punjab has the highest number of CNSA-related incarcerations, with 11,613 cases, constituting about 59.61% of the total CNSA cases nationwide. Following Punjab, Khyber Pakhtunkhwa (KP) has 2,884 cases, accounting for approximately 14.79% of the total CNSA cases in Pakistan. Sindh has 3,546 CNSA-related incarcerations, making up around 18.19% of the total nationwide. Balochistan contributes 1,414 cases to the CNSA-related imprisonments, representing about 7.26% of the total cases across Pakistan. Gilgit-Baltistan (GB) has the lowest number of CNSA-related incarcerations, with 38 cases, constituting 0.2% of the total CNSA cases nationwide

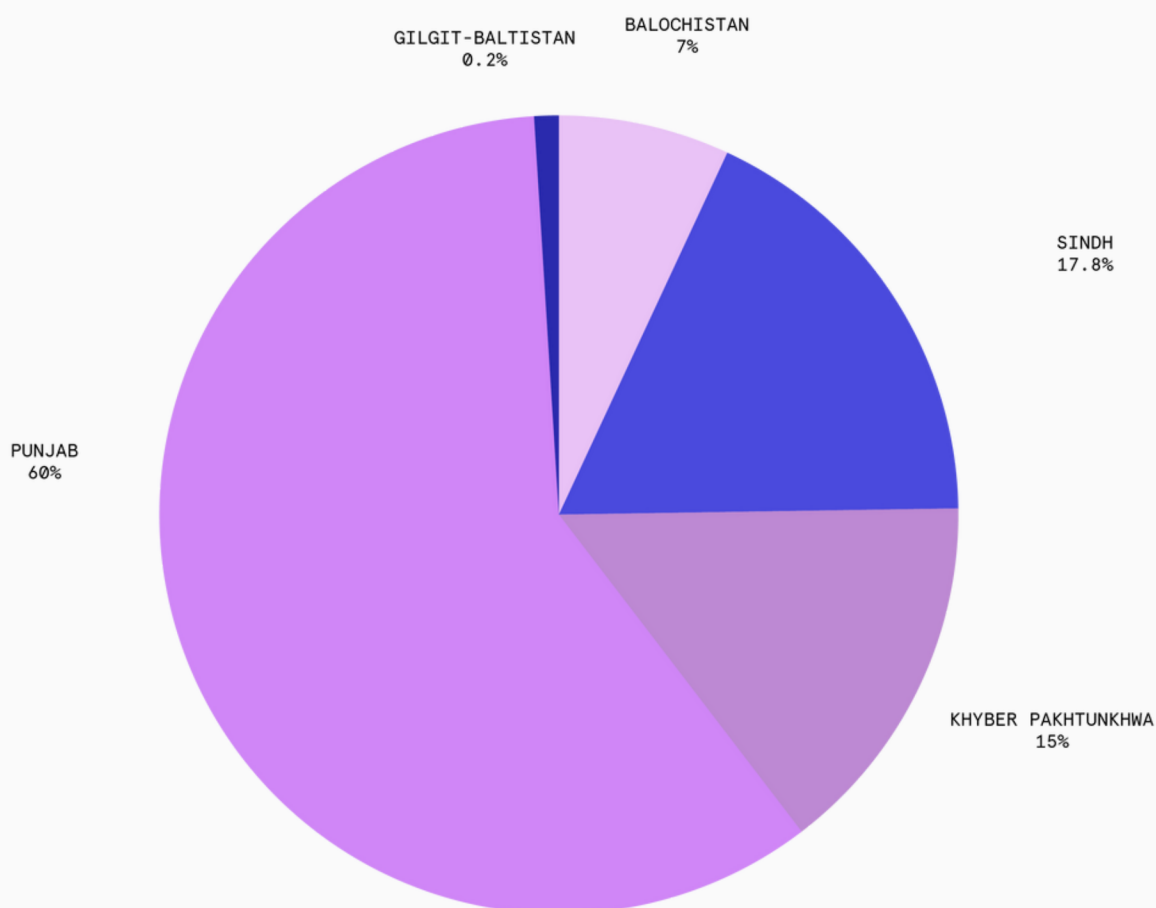


Figure 6: Province-wise Breakdown of Individuals Imprisoned under CNSA

PUNJAB

Nature of Offence	Male	Female	Total
No. of Individuals incarcerated under 9-c (categorised as “drug traffickers/ peddlers in jails)	9481	316	9797
No. of Individuals incarcerated under 9-a & 9-b (categorised as “drug addicts/ users” in jails)	1815	1	1816
TOTAL	11296	317	11613

SINDH

Nature of Offence	No. of Individuals incarcerated
No. of Individuals incarcerated under 9-a & 9-b (categorised as “drug addicts/ users” in jails)	1529
No. of Individuals incarcerated under 9-c (categorised as “drug traffickers/ peddlers in jails)	2017
TOTAL	3546

KP

Nature of Offence	Male	Female	Total
No. of Individuals incarcerated under 9-c (categorised as “drug traffickers/ peddlers in jails)	1401	23	1424
No. of Individuals incarcerated under 9-a & 9-b (categorised as “drug addicts/ users” in jails)	1460	0	1460
Total	2861	23	2884

BALUCHISTAN

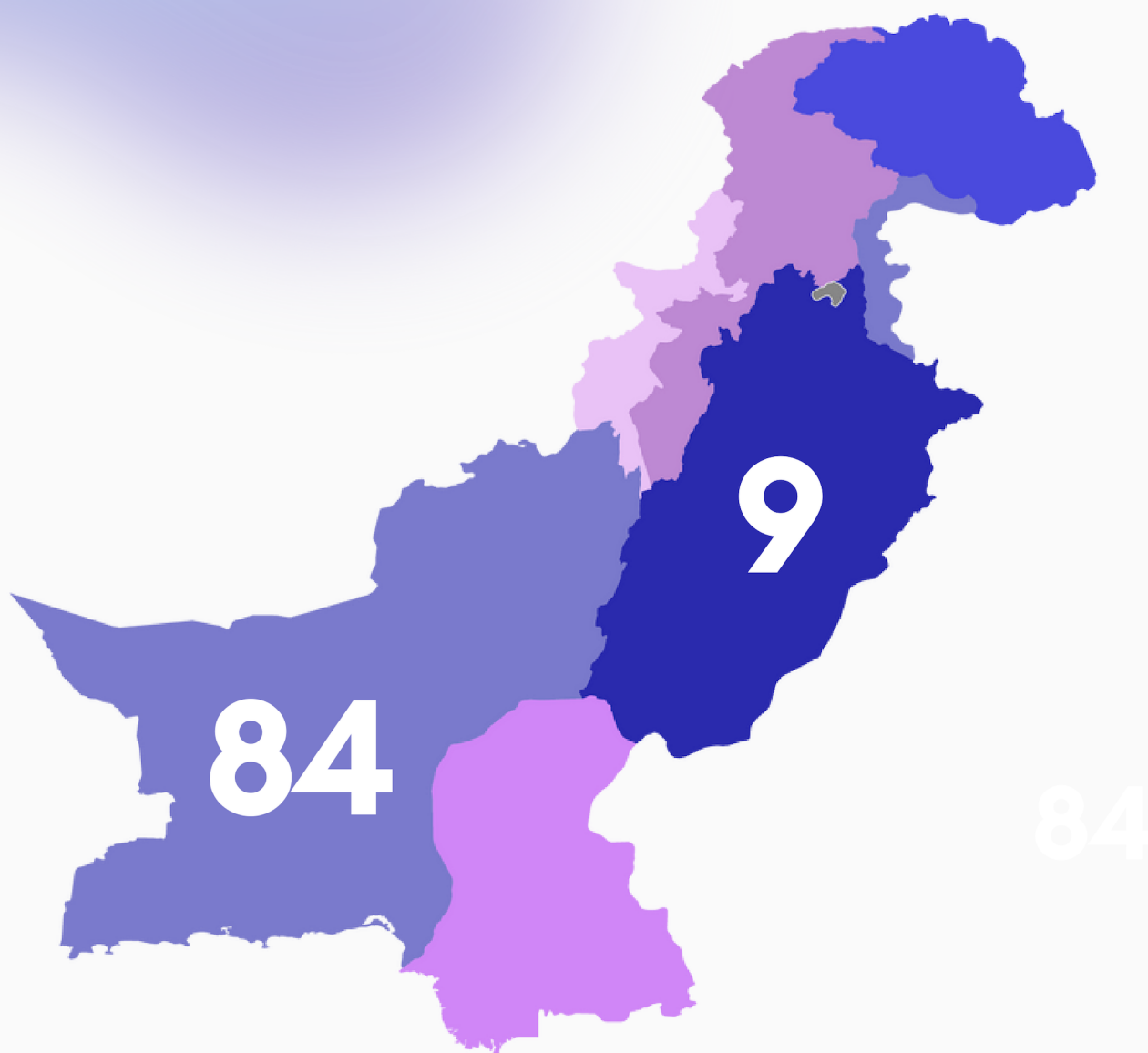
Nature of Offence	No. of Individuals incarcerated
9-a, b	1529
9-c	2017
TOTAL	3546

GILGIT BALTISTAN

Nature of Offence	Male	Female	Total
Traffickers (9-c)	14	0	14
Users (9-a & 9-b)	21	0	24
Total	38	0	38

c. Individuals on Death Row under Narcotics Offences

Currently, there are 93 individuals on death row whose sentences have been confirmed by the superior judiciary, rendering them confirmed condemned individuals. Province-wise breakdown of these individuals is as follows:



However, there were 3 cases in Karachi and Hyderabad where individuals were convicted and sentenced to death under the CNSA during 2023-2024. Their appeals are currently pending before the respective high courts.

d. Foreign Nationals Imprisoned in Pakistan for Narcotics Offences

The Government of Pakistan has an obligation, under International Law and the Constitution of Pakistan, to protect the fundamental rights of foreign nationals imprisoned in Pakistan. As per 2024 data, there are 1,107 foreign nationals imprisoned across Pakistani jails.

Foreign nationals imprisoned in Pakistan are at the mercy of local courts, without access to adequate legal representation, translators, or access to consular assistance from their diplomatic missions. These foreign nationals constitute a highly vulnerable segment of Pakistan's prison population and face the harsher punishments due to their lack of understanding of and assistance with Pakistan's legal system, inability to communicate directly with the courts, and inability to produce evidence from their respective home countries in their defence.

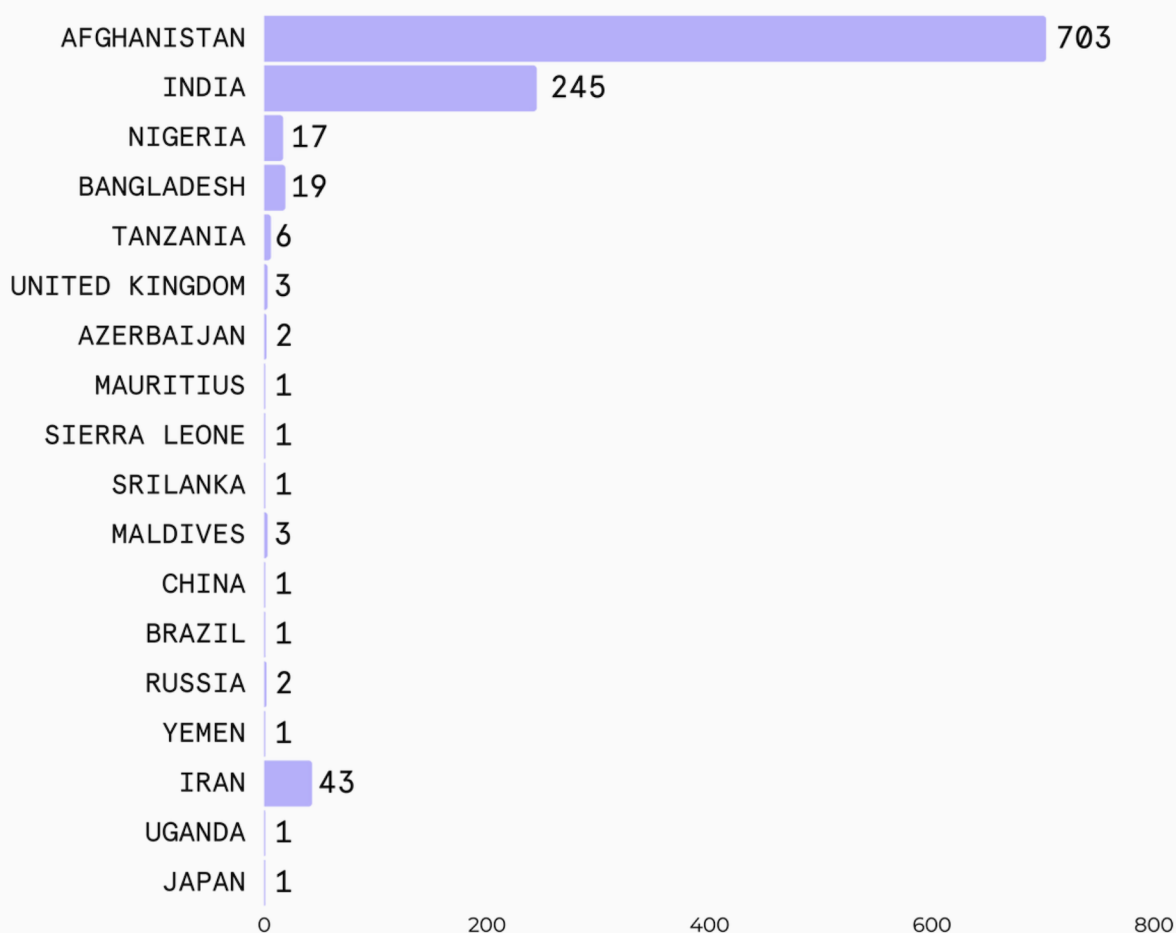
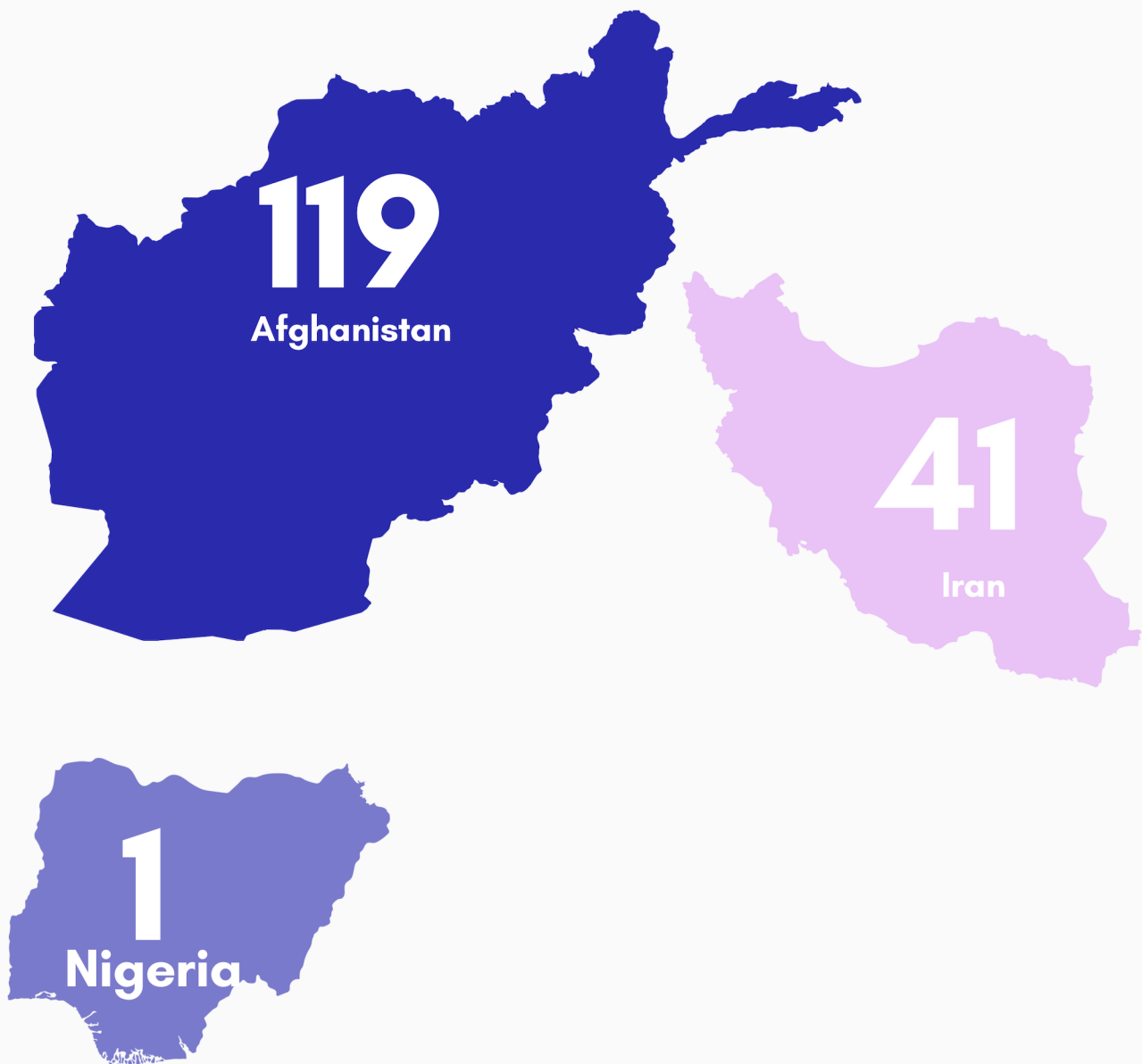


Figure 7: Number of Foreign Nationals Imprisoned in Pakistan w.r.t Nationality

As of April 2024, Afghan nationals comprise 64% of the total foreign nationals incarcerated in Pakistan, followed by imprisoned individuals from India and Iran respectively. Figure 2 illustrates a breakdown of the nationalities of all foreign nationals imprisoned in Pakistan, with individuals from Afghanistan topping the list.

Data retrieved in April 2024 reveals that the majority of foreign nationals are charged under the Foreigners Act 1946 and the Control of Narcotic Substances Act (CNSA) 1997, whereas the majority of Indians are charged under the Control of Entry Act 1952.



Total Cases under CNSA:

Approximately **21.76%** of the total cases reported were under the CNSA, indicating a significant number of foreign nationals imprisoned for drug offences. Afghan nationals constitute the highest percentage of foreign inmates under this law. The presence of individuals from Afghanistan, Iran, and Nigeria among those detained under CNSA indicates how sentencing policies for drug offences can impact individuals from various countries.

Table 1: Top Crimes of Foreigners incarcerated in Pakistan w.r.t Nationality

Ser	Nationality/ Crime	Foreigners Act 1946	CNSA 1997	ATA 1997	Control of Entry Act 1992	PPC 1860	Unknown	Total
1	Afghanistan	416	119	30	0	101	37	703
2	India	3	0	0	222	20	0	245
3	Iran	2	41	0	0	0	0	43
4	Bangladesh	10	0	0	0	0	9	19
5	Nigeria	0	1	0	0	0	15	t

e. Pakistanis Imprisoned Abroad for Narcotics Offences

There are more than 1,500 overseas Pakistanis who are imprisoned in foreign jails for drug-related offences. A country-wise breakdown is as follows:

691



SAUDI ARABIA

235



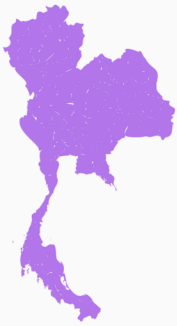
UAE

93



SRILANKA

93



THAILAND

149



CHINA

137



QATAR

48



MALAYSIA

26



IRAN

52



BAHRAIN

Executions of Overseas Pakistanis Imprisoned under Narcotics Offences

Saudi Arabia

The Kingdom used to execute more Pakistanis than any other foreign nationality, with more than 100 Pakistanis executed between 2014 and 2019. However, heightened diplomacy and increased bilateral engagement with Saudi Arabia led to a lull in executions of Pakistanis, with the Kingdom not executing any of our nationals since 2019.

In January 2021, the Saudi Human Rights Commission announced a moratorium on the use of the death penalty for drug-related crimes, stating that the Kingdom and its justice system would be prioritising prevention and rehabilitation. This lasted until November 2022, when Saudi Arabia executed three Pakistani nationals for drug offences.

JPP has documented widespread exploitation of Pakistani nationals by drug traffickers, who use coercive or violent means to smuggle narcotics through destitute Pakistanis into countries such as Saudi Arabia.

Timeline

2014-2019: Over 100 Pakistanis were executed in KSA, most of which were for drug-related charges.

2019: in April, two Pakistani nationals, a husband and wife, were executed for drug-related charges. JPP terms it “unprecedented execution of first Pakistani woman in five years”.

2021: the Saudi Human Rights Commission announced they would no longer execute under drug offences. In July, 63 Pakistanis were repatriated, followed by 28 in August.

2022: in November, 3 Pakistanis were executed for drug-related crimes, marking the first executions of Pakistanis in the Kingdom since 2019.

2023: 4 Pakistanis executed in Saudi Arabia, no drug related executions.

2024: in March, 5 Pakistanis were executed in Saudi Arabia on charges of armed robbery and murder, no drug related executions.

Malaysia:

As of February 2024, there are a total of 24 Pakistanis on death row. At least 10 death row Pakistanis are eligible for resentencing under the Abolition of Mandatory Death Penalty Act. Out of all convicted Pakistanis, 25% have been charged and sentenced with drug trafficking under the Dangerous Drugs Act 1952.

4. Impact of Narcotics-related Incarceration on Justice System

a. Analysis of CNSA Amendments: 2022 and 2023

The 2022 amendment to the CNSA introduces harsher punishments at a far lower threshold for narcotic offences, with the punishment and quantity threshold differing from substance to substance. The amendment in the law prescribes wide thresholds for drug quantities, and harsh punishments.

For example, while the Ghulam Murtaza judgement stipulates a term of imprisonment up to 6 months for up to 30 grams of charas (the lowest quantity threshold), Amendment's lowest quantity threshold for charas is up to 499 grams, which carries a sentence of up to five years in prison. This allows for greatly disproportionate and discretionary sentencing of drug offenders, in contradiction to the aim and spirit of the Ghulam Murtaza guidelines which were introduced by the Lahore High Court and upheld by the Supreme Court in order to bring uniformity and proportionality to sentencing for drug offences.

It further removes the possibility of remissions, parole and probation for all persons convicted under the Act, except for juveniles and women. Not only is this a stark departure from the global shift towards alternatives to incarceration and punishment but also adds a strain to Pakistan's already overcrowded prisons and limited resources by ensuring that individuals stay entrapped in the carceral system. In addition, it contravenes global standards that call for a proportionate and personalised sentencing by disregarding individual circumstances in evaluation eligibility of parole or probation.

This amendment leans heavily into a highly criminalised, punitive framework of drug control policy and practice, and gives rise to a number of concerns regarding violations of the rights of persons who use drugs. Lastly, the amendment applies the maximum penalty in cases where an offence is repeated, which does not align with a rehabilitative model of sentencing and incarceration.

In July 2023, another amendment was introduced to the Control of Narcotics Substance Act, that abolished the death penalty for drug offences, replacing it with life imprisonment, a move widely hailed by the international community as a step towards alignment with international standards on the imposition of the death penalty.. Now, the focus must shift to developing a policy for resentencing and commutation. Furthermore, despite reaffirming commitment to UN's Sustainable Development Goals in 2016, Pakistan faces challenges in achieving Goal 16: Target 16.3 due to systemic deficiencies in its overcrowded prison system, posing health and safety risks to under-trial individuals. There is an urgent need to counter over-incarceration for drug offences and improve access to health/ treatment for individuals jailed for drug use, through the implementation of human-rights based sentencing guidelines and improved standards of healthcare in prisons.

(i) Impact of 2022 CNSA Amendment on Prison Overcrowding:

Before the 2022 amendment, the prison population of Pakistan stood at 87,019 individuals, with an overcrowding rate of 136%. However, a year after the amendment, in November 2023, the prison population surged to 98,987, resulting in an alarming overcrowding rate of 152%. Several factors contribute to this overcrowding, including a significant proportion of individuals awaiting trial, lengthy trial periods, and an overburdened justice system. Moreover, alternatives to imprisonment, such as probation, parole, and remissions, have historically played a crucial role in alleviating prison populations. However, with the 2022 amendment eliminating these options for individuals under CNSA, there has been a significant increase in incarceration rates.

In particular, the province of Punjab witnessed a substantial shift from 50,644 individuals incarcerated before the amendment to 58,534 within a year of its implementation. As of 2024, the total prison population in Pakistan stands at 100,173 individuals, with 19,636 of them incarcerated under CNSA - comprising both local and foreign nationals. Consequently, Pakistan's prison system is facing challenges with over-incarceration, with jails operating at an alarming 152% of their capacity. Approximately 19.62% of this overcrowding can be attributed to individuals imprisoned under CNSA.

The Kingdom used to execute more Pakistanis than any other foreign nationality, with more than 100 Pakistanis executed between 2014 and 2019. However, heightened diplomacy and increased bilateral engagement with Saudi Arabia lead to a lull in executions of Pakistanis, with the Kingdom not executing any of our nationals since 2019.

Statistics:

- Prison population before 2022 amendment: 87,019 (overcrowding rate: 136%)
- Prison population in Nov 2023: 98,987 (overcrowding rate: 152%)
- Punjab's prison population shift: 50,644 to 58,534 (16% increase)
- Total prison population in Pakistan (2024): 100,173 (overcrowding rate: 159%)
- Individuals incarcerated under CNSA: 19,636 (local and foreign nationals)

Developments:

- 2022 amendment introduced harsher penalties for narcotic offences.
- Removed possibility of remissions, parole, and probation under CNSA.
- Lean towards a punitive framework in drug control policy.
- Maximum penalty applied for repeated offences under CNSA.
- July 2023 amendment abolished death penalty for drug offences.
- Focus should be shifted to developing policy for resentencing.

Case Study: Punjab - Monthly Data and Systemic Issues

During the period from January to December 2023, a cumulative total of 9,452 individuals were granted release after posting bail or surety bonds from 34 correctional facilities across Punjab. These individuals were charged under Section 9(a) and Section 9(b) of the Control of Narcotics and Substances Act (CNSA). The release procedure entails the involvement of a lower court judge visiting the correctional facility to confirm the release of the imprisoned individuals. This monthly ritual not only incurs time costs but also requires personnel and an entire procedural process, thereby exerting a burden on the justice system.



Figure 1: Total number of cases handled by ANF during Jan-Dec, 2023

It is important to know that Punjab prisons are currently operating at 159% of their actual capacity, having 9,363 individuals under trial for narcotics offences. Breakdown of persons incarcerated under CNSA is shown in Table 4.

TABLE 4: CNSA INCARCERATION STATISTICS FOR PUNJAB JAILS

Status/Gender	Male	Female	Total
Convicted	1,924	88	2,012
Under trial	9,363	229	9,592
Condemned	9	0	9
TOTAL	11,296	317	11,613

Statistics:

Total individuals released on bail or surety bonds in Punjab (Jan-Dec 2023): 9,452

Correctional facilities involved: 34

Charges under CNSA: Section 9(a) and Section 9(b)

Release Procedure:

1. Individuals arrested under Section 9(a) and Section 9(b) of the Control of Narcotics and Substances Act (CNSA).
2. Court hearings conducted to determine eligibility for bail or surety bonds.
3. Lower court judge visits the correctional facility to confirm the release of imprisoned individuals.
4. If granted, individuals are released on bail or surety bonds.
5. Post-release procedures entail individuals awaiting trial or further legal proceedings.
6. This monthly ritual incurs time costs, requires personnel, and adds procedural burdens to the justice system.

(ii) Continued Challenges: Death Penalty Sentences Post-2023 CNSA Amendment

Despite the 2023 amendment to the CNSA removing the death penalty for narcotics cases, there have been instances where some judges continued to impose death sentences in 2024. For instance, on January 15, 2024, the Special Court-II on Narcotics in Karachi imposed the death penalty on an individual under Section 9(c) of the CNSA. The case is currently under appeal before the high court. According to the Sindh Prisons Department, there are two other appeals pending before the Hyderabad High Court for two men who were sentenced to death under CNSA on May 31, 2023.

There could be several reasons why some judges continued to award the death penalty for narcotics cases despite the legal amendment. The reasons might include a lack of awareness or understanding of the amended law, adherence to personal or ideological beliefs, inconsistencies in legal interpretation, or procedural errors in the judicial process.

5. Systemic Issues

- No defined concept of “addiction”:

Arrests under the CNSA in Pakistan are intended to occur when law enforcement agencies, such as the ANF or local police, possess reasonable suspicion or evidence to believe that an individual is either involved in drug peddling (sec 9-c) or struggling with drug addiction (sec 9-a & 9-b). However, it's essential to note that the CNSA does not provide a clear definition of "addict," leading to ambiguity in enforcement. This flaw in the law often results in the wrongful apprehension of individuals, exacerbating systemic issues within the criminal justice system.

- Continued Imposition of Death Penalty in Narcotics Cases:

Despite the 2023 amendment to the CNSA removing the death penalty for narcotics cases, there have been instances where some judges continued to impose death sentences in 2024.

- Prolonged Trial Duration:

According to provincial prisons departments, in cases falling under Section 9-c of the CNSA, it commonly takes a minimum of three years to reach a final verdict, based on average timelines observed in such proceedings.

- No probation, parole, remission under CNSA (after 2022 amendment) is one of the major reasons behind narcotics offences contributing to prison overcrowding, particularly in Punjab already operating at 159% of its jail capacity.
- The data related to drug cases reported by prosecution departments is often unreliable because individuals can be categorised as 'addicts' based on arbitrary criteria, given the lack of a proper definition of addiction in the Narcotics Act or ANF Act.
- According to prison departments, individuals categorised as 'drug users' are segregated from 'drug traffickers' within jails and are also separated from other individuals imprisoned for different offences. However, treatment medications and beds for individuals suffering from drug abuse are not sufficiently available.

7. Data Sources

- National Academy for Prison Administration <https://napa.gov.pk/>
- Punjab Prisons Department: <https://prisons.punjab.gov.pk/>
- Sindh Prisons Department
- Khyber Pakhtunkhwa Prisons Department
- Balochistan Prisons Department
- Anti-Narcotics Force (ANF) Pakistan: <https://anf.gov.pk/>
- National Commission on the Human Rights (NCHR): <https://www.nchr.gov.pk/>