

## **Introduction**

1. This submission focuses on the situation of human rights defenders (HRDs) and civil society organizations in relation to their freedom of expression and dissent as well as their security and well-being in Pakistan. Since its last UPR in November 2017, Pakistan has increased its targeting of HRDs and has subjected them to various forms of reprisals including arrests, arbitrary detentions, false police cases, judicial harassment, enforced disappearances and killings.
2. During its last UPR cycle, Pakistan received ten recommendations on ensuring protection for HRDs and journalists from the misuse of criminal laws, threats, enforced disappearances and killings with a view to bring the perpetrators of violence to justice. Although Pakistan accepted five of these recommendations, there have been no significant changes in the treatment of HRDs and attacks on essential freedoms have consistently been on the rise.
3. Pakistan also received recommendations from three countries for extending invitations to UN Special procedures mandate holders but it did not support any of these recommendations.

## **Killings**

4. Front Line Defenders has documented killings of HRDs for their activism and legitimate work in defence of human rights each year since 2017.
5. On 2 March 2020, HRD and journalist Sajid Hussain<sup>i</sup> went missing in Sweden. His body was recovered nearly two months later, on 23 April 2020, from a river in Uppsala, Sweden. Sajid Hussain fled Pakistan for Sweden to escape death threats he received for his critical reporting on drug cartels and security agencies. His Baloch ethnic identity made him more vulnerable to threats. Through his reporting and independent website, the Sajid Hussain continued documentation of human rights violations by Pakistani military and security agencies in the Balochistan province.
6. On 1 May 2020, HRD and supporter of the Pashtun Tahaffuz Movement (PTM) Arif Wazir<sup>ii</sup>, was shot dead by unidentified gunmen. The HRD was a vocal critic of human rights violations by the Pakistan military, and had lost family members in decades long conflict in the tribal areas of Khyber-Pakhtunkhwa province. Prior to the shooting, on 17 April 2020, Arif Wazir was arrested by police in Wanna on account of a speech he made during a visit to Afghanistan, which was considered 'anti-national'. He spent ten days in prison, before being released on bail on 27 April 2020 and was shot four days later.
7. On 2 February 2019, HRD Prof. Ibrahim Arman Loni<sup>iii</sup> was beaten to death by police officers, moments after he participated in a peaceful protest against a bomb blast at Loralai police station, Balochistan province. Prof. Loni was a lecturer of Pashto literature in Quetta Degree college and a core committee member of Pashtun Tahaffuz Movement (PTM).
8. On 6 March 2019, HRD Afzal Kohistani<sup>iv</sup> was shot dead by unidentified gunmen in Khyber Pakhtunkhwa. He had been campaigning against "honour killings" in the Kohistan region. He was a central figure seeking justice for the killing of five young women and three young men in 2012 and 2013. Kohistani had received death threats due to his campaign for justice for those killed. The

HRD had been living in hiding for seven years before he was killed. A few days prior to his death, Afzal Kohistani wrote to the Deputy Inspector General of Police (DIG) in Hazara seeking police protection but never received a response.

9. On 17 January 2018, HRD and member of TransAction Pakistan, Sonia<sup>v</sup>, was shot dead in the Pahandu area of Peshawar by her partner, who is also a member of a gang that had previously attacked at least three trans rights activists. (see 29)

10. In 2021, there was an attempt on the life of HRD Ahmad Waqass Goraya<sup>vi</sup>, who has been living in exile in the Netherlands since 2017. In January 2022, a UK court convicted a man who had been hired to kill the human rights defender. On 4 January 2017, Ahmad Waqass Goraya was forcibly disappeared in Lahore, Pakistan for three weeks and has reported being tortured during this time<sup>vii</sup>.

### **Enforced disappearances and abductions**

11. During its last UPR cycle, Pakistan received at least three recommendations for protecting HRDs and journalists from enforced disappearances and abductions and to bring the perpetrators to justice.

12. In January 2021, the Islamabad High Court, after hearing a petition on a disappearance case from 2015, ruled that the prime minister and his cabinet were responsible for the state's failure to protect its citizens. The court called enforced disappearances "the most heinous crime and intolerable."

13. In December 2021, HRD Idris Khattak<sup>viii</sup> was sentenced to 14 years imprisonment by a military court in Pakistan under the Official Secrets Act. The HRD was forcibly disappeared on 13 November 2019 and held incommunicado for nearly 7 months in custody of security agencies. For decades, Idris Khattak had documented and advocated against human rights abuses and atrocities targeting residents of Khyber Pakhtunkhwa and the former Federally Administered Tribal Areas. There is no accountability for his enforced disappearance. Instead Idris Khattak has been jailed as punishment for his work.

14. On 12 April 2018, HRD Younis Iqbal<sup>ix</sup> was abducted by six policemen in plain clothes as he tried to enter the Anti-Terrorism Court for his trial in Okara. He had been charged under the Anti-Terrorism Act of 1997 in April 2016 for protesting against the illegal detention of farmers in Okara district. Younis Iqbal was held incommunicado for four days before official arrest. He was later released.

15. On 2 December 2017, HRD Raza Mahmood Khan<sup>x</sup>, who engaged in peace activism between Indian and Pakistani civil society, was forcibly disappeared on his way home in the evening. The HRD was released in June 2018, but had to flee Pakistan due to continuous threats. There has been no accountability to date.

16. On 28 October 2017, security personnel in Pakistan Rangers uniform forcibly disappeared HRD Mohammad Nawaz Atta<sup>xi</sup> and at least two minor family members following a raid at his home in Karachi. Mohammad Nawaz Atta was the Information Secretary of Baloch Human Rights Organisation (BHRO), an organisation monitoring and campaigning against human rights violations in Balochistan.

### **Arrests and judicial harassment**

17. On 22 May 2019, police in Islamabad, Pakistan filed a First Information Report (FIR) including under anti-terror law, against Woman Human Rights Defender (WHRD) Gulalai Ismail<sup>xii</sup>, who has

worked for the rights of Pashtun women and girls in Khyber Pakhtunkhwa (KP) province. The WHRD was forced to flee Pakistan due to concern for her safety. Her parents and family have been harassed and suffered legal persecution ever since. On 12 July 2019, another FIR was filed against her and her parents, Professor Muhammad Ismail and Uzlifat Ismail, under the Anti Terrorism Act. On 2 July 2020, the Anti-Terrorism Court acquitted Gulalai Ismail and her parents of charges related to financial terrorism, however, one terrorism case against Professor Ismail is on-going.

18. On 24 October 2019, Gulalai Ismail's father, Professor Muhammad Ismail<sup>xiii</sup>, a retired teacher and HRD was arbitrarily picked up by a group of unidentified men as he was leaving the Peshawar High Court. For a few hours, his whereabouts remained unknown. The HRD was later revealed to be in police custody. Professor Muhammad Ismail was jailed from February till April 2020 despite health risks. The HRD and his wife (see 15) are barred from travelling out of Pakistan.

19. On 27 January 2020, HRD Manzoor Pashteen<sup>xiv</sup> and nine others from Pashtun Tahaffuz Movement (PTM), was arrested by Pakistani police in Peshawar. As a leader of PTM, Manzoor Pashteen has been a vocal critic of human rights violations by the security forces. PTM is a non-violence movement for the protection of lives of Pashtuns in the conflict-torn KP. A First Information Report (FIR) was filed against him including charges related to sedition and criminal conspiracy, following a speech he gave at a student gathering on 16 January 2020. Manzoor Pashteen was released from jail on 18 February 2020.

20. On 28 January 2020, riot police in Pakistan arbitrarily arrested 29 HRDs<sup>xv</sup> and PTM supporters in Islamabad during a peaceful protest against the arrest of Manzoor Pashteen (see 20). They were taken to Kohsar police station in Islamabad and detained without formal warrant. While six defenders were released later the same day, an FIR including charges related to sedition, rioting, wrongful restraint and unlawful assembly, was filed against 23 HRDs. They were granted bail on 3 February 2020.

21. In March 2021, organisers of the annual women's day march called the Aurat March<sup>xvi</sup>, were targeted in an online smear campaign through doctored videos of the participants, and deliberate misinterpretation of march slogans. The draconian blasphemy law was used to rile right wing sentiment, which resulted in protests by multiple demonstrations by the religious right, and applications for police and court cases submitted across the country, against the women human rights defenders. The online smear campaign was also amplified by male journalists with millions of followers. Aurat March, led by independent collectives, has been criticised harshly and targeted for its progressive feminist messaging since 2018 both offline and online. The march participants and organisers are smeared as anti-state, anti Islam and "foreign funded", a demonisation tactic used frequently against human rights defenders in Pakistan. In 2022, Islamabad city administration did not issue the No Objection Certificate for the march until the court intervened. In Lahore, the city administration, after refusing security first, re-issued an NOC with permission for the march and security, only after a petition was filed in the high court.

### **Targeted attacks against transgender rights defenders and activists**

22. In its last UPR cycle, Pakistan received recommendations from six countries to enact laws for the protection of the LGBTQ+ community and cease all forms of discrimination against them. Pakistan supported two of these recommendations.

23. In spite of this, there have been targeted attacks against members of the transgender community, specifically against activists and HRDs.

24. On 9 November 2020, transgender rights defender Nayyab Ali<sup>xvii</sup> was physically assaulted and robbed at her home in Islamabad by two unidentified, armed men and suffered serious injuries.

Prior to the attack, Nayyab Ali had been vocal about the increased targeting of the transgender community in Pakistan through her social media pages, and had since received death threats. A First Information Report (FIR) was filed regarding the attack at the Golra police station on 10 November 2020. Nayyab was targeted again in June 2022, by a police constable of Ramna police station, Islamabad, who threatened her at gun point when she visited the station to facilitate a complaint registration by a transgender person. The constable was arrested, but Nayyab has been put under further risk of online abuse and harassment since the police circulated the copy of the FIR on social media, revealing her personal information.

25. On 22 January 2018, Shama, a HRD and member of TransAction Pakistan, was kidnapped and sexually assaulted in the Gulbahar neighborhood of Peshawar by nine men in retaliation for her advocacy for human rights of the transgender community. The assailants threatened to shoot her if she disclosed the incident to anyone or if she participated in any more demonstrations. Shama filed a complaint with the police but a FIR was not lodged and no arrests were made in the case.

26. On 16 December 2017, Pakistani HRD Taimur Kamal along with members of TransAction Pakistan, Arzu Khan and Sunny, were attacked by armed men in the Gulbahar neighbourhood of Peshawar city. Five armed men opened fire at the HRDs while they were travelling in Taimur Kamal's car. The attackers also smashed the windscreen and dragged Taimur and the others out of the car. The men threatened the group and kidnapped Sunny at gunpoint. Sunny was later set free at 6:00 am. The police only lodged a FIR after the intervention of the Senior Superintendent of Police (SSP).

### **Use of Force and Attacks on Peaceful Assembly**

27. On 13 June 2022, a group of Baloch WHRDs and families of the disappeared were attacked<sup>xviii</sup> by Sindh police during a peaceful sit-in for the release of Baloch disappeared in Karachi. Video footage showed police personnel hitting, dragging and manhandling both men and women, causing injury to at least two men and two women including a WHRD. The protesters were detained and released the same night. On 24 May 2022, another peaceful protest by the Baloch defenders and families against enforced disappearances was disrupted through forced detention of the participants.

### **Legal Framework**

28. On February 18, 2022, the government passed an ordinance amending the Prevention of Electronic Crimes Act, 2016 (PECA)<sup>xix</sup> to make online "defamation" of authorities, including the military and judiciary, a criminal offense with harsh penalties. The amendment made defamation a non-bailable offence, and increased the maximum prison term, if convicted, from three to five years. It also expanded the definition of those who can initiate criminal proceedings for defamation, allowing any person or institution to register the complaint. In April 2022, Islamabad High Court, declared the amendment "unconstitutional". PECA and its section 20, have been repeatedly used as a weapon of censorship and silencing against HRDs and journalists.

29. Pakistan's Penal Code includes several sections that comprise the draconian blasphemy laws 295 (a, b, c), which provide for penalties ranging from imprisonment to capital punishment. The blasphemy laws are misused widely to target religious minorities and even Muslims, but have also been used to target HRDs. According to a Pakistani human rights organization, the Centre for Social Justice, at least 1,855 people were charged under Pakistan's blasphemy laws between 1987 and February 2021

30. The Anti Terror Act 1997 coupled with provisions of the Penal Code, particularly on Sedition (S.124) have been used to target and suppress defenders.

31. Article 377 of Pakistan's penal code criminalizes same-sex sexual conduct, placing men who have sex with men and transgender people at risk of police abuse and other violence and discrimination. Activists have claimed that the transgender community in Karachi was being targeted in an organized social media campaign to instigate violence against its members.

## Recommendations

32. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Pakistan government to prioritise the protection of HRDs and in doing so to:

1. Ensure that there is an impartial, prompt and thorough investigation into the killings, enforced disappearances and torture of HRDs with a view to bring perpetrators to justice in accordance with international human rights standards;
2. Initiate an impartial review of Sections 295 and 298 of Pakistan's Penal Code in genuine consultations with HRDs, legal practitioners and civil society members and ensure that dissent and legitimate human rights work of HRDs, especially belonging to minority religious communities, are not criminalized under the laws;
3. Ensure that HRDs are protected from legal persecution as reprisal for their human rights work, especially under anti-terror laws and criminal legislation.
4. Guarantee the rights to freedom of expression and dissent, association and peaceful assembly and ensure that HRDs and journalists are not targeted for merely voicing their criticism against government policies and/or human rights violations;
5. Decriminalize same-sex relations and ensure equal rights and protection for the LGBTQ+ community and investigate all forms of attacks against LGBTQ+ members with a view to bring perpetrators to justice in accordance with international human rights standards;
6. Extend a standing invitation to the United Nations Special Rapporteur on the situation of human rights defenders with a view to accepting their recommendations for the protection and independent functioning of HRDs and civil society in Pakistan;
7. Accept the recommendations made to Pakistan during its last UPR cycle with a view to undertake legislative reforms and ensure constitutional freedoms to HRDs

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- i <https://www.frontlinedefenders.org/en/profile/sajid-hussain>
  - ii <https://www.frontlinedefenders.org/en/case/human-rights-defender-arif-wazir-killed>
  - iii <https://www.omct.org/en/resources/urgent-interventions/killing-of-mr-ibrahim-arman-loni-arbitrary-detention-of-ms-gulalai-ismail-and-several-ptm-members>
  - iv <https://www.frontlinedefenders.org/en/profile/afzal-kohistani>
  - v <https://www.frontlinedefenders.org/en/case/violent-attacks-transgender-activists>
  - vi <https://twitter.com/FrontLineHRD/status/1417449257947308042>
  - vii <https://www.frontlinedefenders.org/en/case/disappearance-waqas-goraya>
  - viii <https://www.frontlinedefenders.org/en/profile/idris-khattak>
  - ix <https://www.frontlinedefenders.org/en/profile/younis-iqbal>
  - x <https://www.frontlinedefenders.org/en/profile/raza-mahmood-khan>
  - xi <https://www.frontlinedefenders.org/en/profile/mohammad-nawaz-atta>
  - xii <https://www.frontlinedefenders.org/en/profile/gulalai-ismail>
  - xiii <https://www.frontlinedefenders.org/en/profile/muhammad-ismail>
  - xiv <https://www.frontlinedefenders.org/en/profile/manzoor-pashteen>
  - xv <https://www.frontlinedefenders.org/en/case/mass-detention-and-false-charges-against-human-rights-defenders-supporting-pashtun-tahaffuz>

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- xvi <https://monitor.civicus.org/updates/2021/04/02/attacks-aurat-march-minorities-and-critics-highlight-shrinking-space-dissent-pakistan/>
- xvii <https://www.frontlinedefenders.org/en/profile/nayyab-ali>
- xviii <https://thediplomat.com/2022/06/as-baloch-women-raise-their-voices-the-state-cracks-down/>
- xix <https://www.hrw.org/news/2022/02/28/pakistan-repeal-amendment-draconian-cyber-law>