

**Universal Periodic Review – Pakistan
March 2017**

Summary

Human rights concerns in Pakistan include an increase in intimidation and attacks against the media by both state and non-state actors; restrictions on nongovernmental organizations (NGOs); torture and ill-treatment in custody, particularly against terrorism suspects; discrimination against religious minorities; and a failure to protect the rights of women, girls and LGBT people.

Pakistan has implemented some of the recommendations from the second cycle of UPR in 2012. It established the National Commission for Human Rights (NCHR), a statutory authority to monitor human rights, but which still needs to be properly empowered to operate independently. Pakistan has also enacted legislation, as promised, criminalizing domestic violence and workplace harassment, addressing the lacunae in the anti-honor killing bill, and enacting a law to register Hindu marriages.

This submission will highlight key areas of concern that remain in Pakistan since its previous UPRs in 2012 and 2008.

Freedom of Religion

In adopting the second cycle UPR outcome report, Pakistan agreed to ensure accountability for violent attacks and other abuses on religious minorities. Pakistan also agreed to adopt measures to prevent the abuse of blasphemy laws, and halt forced conversions. Despite that, since 2012 religious minorities have faced sharply increased insecurity and persecution.

Attacks on Shia

The government has failed to take adequate steps to prevent and respond to deadly attacks on Shia and other religious minorities since 2012. In January 2015, at least 53 people were killed in a bomb blast at a Shia mosque in the city of Shikarpur in Sindh province; Jundullah, a splinter group of the Taliban that has pledged support for the armed extremist group Islamic State (also known as ISIS), claimed responsibility for the attack. In February 2015, 19 people were killed after Taliban militants stormed a Shia mosque in Peshawar. In May 2015, an [attack](#) by Jundullah on members of the Ismaili Shia community in Karachi killed 43 people.

Attacks on Sufi Shrines

Militants attacked Sufi shrines resulting in the deaths of hundreds of people. In February 2017, a suicide attack on the shrine of Lal Shahbaz Qalandar in Sehwan, Sindh claimed by ISIS killed at least 88 people and injured hundreds. In November 2016, at least 50 people were killed in an attack on the shrine of Shah Noorani in Khuzdar, Balochistan. In February 2013, an attack on a shrine in Shikarpur, Sindh killed four people.

Attacks on Ahmadiyya

The Ahmadiyya community remains subjected to longstanding discriminatory laws, and at risk of violent attacks. In 2013, militant groups accused them of illegally “posing as Muslims,” barred

them from using their mosques in Lahore, vandalized their graves across Punjab province, and engaged in inciting violence against them.

Attacks on Christians

In September 2013, a suicide bombing during Sunday Mass at a church in Peshawar killed 81 worshippers and wounded more than 130, the deadliest attack in Pakistan's history on the Christian minority. In March, suicide bombers belonging to Tehrik-i-Taliban targeted two churches in the Christian neighborhood of Youhana Abad in Lahore, killing 14. In March 2016, at least 74 people were killed and 338 others injured in a suicide bombing in a public park in Lahore. The primary target of the attack was Christians celebrating Easter.

Abuse of Blasphemy Laws

In its statement on the outcome report of the UPR, Pakistan promised to “review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the ICCPR.”

Section 295-C of Pakistan's penal code makes the death penalty mandatory for blasphemy, although no one to date has been executed for the crime. The Pakistani government failed to amend or repeal the blasphemy law provisions that provide a pretext for impunity and violence against religious minorities.

Dozens are facing blasphemy charges since 2012. At least 17 people are on death row and 20 are serving life sentences. Aasia Bibi, a Christian from Punjab province, who in 2010 became the first woman in the country's history to be sentenced to death for blasphemy, continues to languish in prison.

Members of the Ahmadiyya and Christian communities continue to be a major target of blasphemy prosecutions. In March 2014, a Lahore court sentenced Sawan Masih, a Christian, to death for blasphemy for alleged derogatory statements about the Prophet Muhammad. In April 2013, those allegations had prompted a 3,000-strong mob to attack a Christian residential community in Lahore and torch hundreds of houses. Police arrested Masih, but failed to otherwise intervene. On May 7, 2014, unidentified gunmen killed Rashid Rahman, a renowned human rights lawyer, in apparent retaliation for representing people accused of blasphemy.

Recommendations:

- Promptly investigate and prosecute human rights abuses by the Tehrik-i-Taliban Pakistan (TTP), Lashkar-i-Jhangvi (LeJ) and other militant groups;
- Take urgent measures to protect members of the minority communities and other vulnerable groups across Pakistan;
- Repeal laws that discriminate against minorities including section 295(C) of the Penal Code (the Blasphemy Law) and section 298, which targets the Ahmadiyya community;
- Hold accountable individuals and groups responsible for inciting violence against religious minorities;
- Invite the United Nations Special Rapporteur on freedom of religion and belief to visit Pakistan.

Freedom of Expression

Freedom of expression and the media has come under severe pressure from both state and non-state actors since 2012.

During its UPR review in 2012, Pakistan accepted the recommendation to take measures to “bring to justice perpetrators of attacks on journalists by effectively investigating all individuals and organizations accused of such abuses.” However, no progress has been made in this regard, nor has

the government acted on its commitment to “introduce strong legislation prohibiting attacks against journalists to effectively investigate such acts and prosecute the perpetrators.”

Many journalists increasingly practice self-censorship, fearing retribution from security forces, military intelligence, and militant groups. Media outlets remained under pressure to avoid reporting on or criticizing human rights violations in counterterrorism operations. The Taliban and other armed groups threatened media outlets and targeted journalists and activists for their work.

At least 12 journalists have been killed in Pakistan since 2012.

In April 2014, unidentified gunmen attacked Hamid Mir, one of Pakistan’s most famous television presenters, in Karachi. Mir survived the attack and Jang/Geo—his employer and the country’s largest media conglomerate—accused the members of security forces of involvement in the incident. In March 2014, unidentified gunmen attacked Raza Rumi, a prominent columnist and television anchor in Lahore. Rumi was injured in the attack, which killed his driver.

In April 2015, Sabeen Mahmud, a prominent Pakistani social and human rights activist, was killed by militants. In August 2016, supporters of the Muttahida Qaumi Movement (MQM) attacked the office of ARY, one of the country’s largest news broadcasters, after Altaf Husain, the party chief, publicly encouraged them to attack media outlets for not covering party protests.

In January 2016, the Pakistan Rangers entered and, without a warrant, searched the Karachi house of Salman Masood, a *New York Times* journalist. The Interior Ministry issued an apology and ordered an inquiry, but is yet to make public any outcome or action based on those inquiries.

In January 2017, five men, Salman Haider, a well-known poet and academic, and bloggers Waqas Goraya, Aasim Saeed, Ahmad Raza Naseer and Samar Abbas, a social activist, went missing or were taken away from different cities. All five men, vocal critics of militant religious groups and Pakistan’s military establishment, used the internet to disseminate their views. Their near simultaneous disappearance and the government’s shutting down of their websites and blogs raises grave concerns of government involvement. Since then, although four of the five men have returned, no one has been held accountable for their abduction.

The Pakistani government announced the “Policy for Regulation of INGOs in Pakistan” on October 1, 2015, which requires all international human rights and humanitarian groups to register and obtain prior permission from the Ministry of Interior to carry out any activities in the country, and to restrict their operations to specific issues and geographical areas. The ministry is broadly empowered to cancel registrations on grounds of “involvement in any activity inconsistent with Pakistan’s national interests, or contrary to Government policy”—terms that have vague meanings and can be used for political reasons.

In August 2016, the Pakistan government also enacted the Prevention of Cybercrimes Act that allows the government to censor online content and to criminalize internet user activity under extremely broad and vague criteria. The law also sanctions government authorities to access data of internet users without judicial review or oversight.

Recommendations:

- End the harassment, intimidation, use of coercion, violence and other abuses against media personnel. Lift formal and informal restrictions and decrees on the media that violate the right to freedom of expression;
- Investigate and discipline or prosecute as appropriate any public officials perpetrating abuses against members of the media;
- Review and amend the Prevention of Cybercrimes Act to ensure that it does not criminalize peaceful use of the internet, safeguards privacy rights, and enables free expression;

- Withdraw the “Policy for Regulation of INGOs in Pakistan,” which will severely restrict operations by international NGOs and human rights workers.

Abusive counterterrorism measures

Pakistan faces a serious security threat, and has deployed measures to contain attacks by armed militants. However, there are serious allegations of human rights violations including torture, enforced disappearances and extrajudicial killings during counterterrorism operations. Suspects are frequently detained without charge or tried without proper judicial process. Counterterrorism laws also continue to be misused to perpetuate vendettas as an instrument of political coercion.

In its 2012 UPR, the Pakistan government supported the recommendation to, “continue the reform of the judiciary, law enforcement and the penitentiary system, as well as continue the policy to reduce crime and corruption.” Instead of taking measures to reform the criminal justice system, in February 2015, the Pakistan government approved the functioning of secret military courts empowered to try civilians and impose the death penalty in terrorism-related cases for a period of two years. From January 7, 2015 to January 6, 2017, military courts convicted 274 individuals and handed down 161 death sentences. At least 17 people have been executed after being convicted by a military court. On March 28, 2017, the Pakistan Senate approved a bill reinstating the military courts.

In July 2014, the Pakistan government enacted for a period of two years the Protection of Pakistan Act, a counterterrorism law that threatens basic rights and freedoms in violation of Pakistan’s international legal obligations.

Recommendations:

- Review and rescind any proposal to reinstate military courts empowered to try civilians;
- Impose a moratorium on the use of the death penalty;
- Ratify the Rome Statute of the International Criminal Court.

Security force violations and lack of accountability

In June 2014, in Model Town, a Lahore suburb, police fired without warning on supporters of the Pakistan Awami Tehreek (PAT), an opposition political party, whose workers had tried to stop police demolition of security barriers erected in front of PAT headquarters. Authorities confirmed the deaths of at least eight PAT members.

In May 2016, Aftab Ahmad, a member of the Karachi-based MQM, was killed while in the custody of the Pakistan Rangers, a federal paramilitary force. An autopsy report found that over 35 percent of his body was covered in bruises and abrasions, indicating torture. In an unusual step, the chief of army staff, Gen. Raheel Sharif, ordered a military inquiry into the death.

Pakistan supported the recommendation during its last UPR to, “specifically criminalize enforced disappearances in the penal code and reinforce the capacities of the Pakistanis Inquiry Commission on Enforced Disappearances in order that the Commission can fully carry out its mission.” Pakistan has failed to uphold that commitment. Pakistan has also ignored rulings from the Supreme Court in 2013 demanding justice for victims of enforced disappearances, as well as recommendations from the UN Working Group on Enforced or Involuntary Disappearances in 2012.

Recommendations:

- Make known the names and whereabouts of all detainees, and ensure they have access to family members and legal council;

- Ensure compliance and transparency in arrest procedures to prevent enforced disappearances, torture and custodial killings; and hold to account those responsible for violations.

Women and girls

Violence against women and girls—including rape, “honor killings,” acid attacks, domestic violence, and forced marriage—remained a serious problem. Pakistani activists estimate that there are about a 1,000 “honor killings” every year. In May 2014, 25-year-old Farzana Parveen, who was three-months pregnant, was stoned to death in front of a Lahore courthouse by family members angry that she had married without their permission. In July 2016, Qandeel Baloch, a well-known Pakistani model was killed by her brother in an “honor killing.” In 2012, Pakistan noted recommendations to decriminalize adultery and non-marital consensual sex.

Women and girls from religious minority communities are particularly vulnerable. A report by the Movement for Solidarity and Peace in Pakistan found that at least 1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year. The government has failed to act to stop such forced marriages, and in 2012 noted a recommendation to “Amend discriminatory laws and vigilantly counter discrimination against marginalized groups, including women and girls, ethnic and religious minorities and provide a safe and just environment for all citizens in Pakistan.” Child marriage remains a serious concern in Pakistan, with 21 percent of girls marrying before the age of 18 according to UNICEF. The 1929 Child Marriage Restraint Act currently sets the age of marriage at 18 for males and 16 for females.

Women have been denied the right to vote in various parts of the country. In May 2015, during a parliamentary by-election in Lower Dir, Khyber Pakhtunkhwa, none of the eligible 50,000 women in the constituency voted after warnings reportedly broadcast on mosque loudspeakers. Polling stations were guarded by “baton-wielding men,” according to news reports, who blocked the few women who attempted to vote.

Recommendations:

- Reform all laws, policies, and practices that treat “honor killings” more leniently than other murders. Ensure the implementation of the law on “honor killings” to bring Pakistan into compliance with international legal standards;
- Ensure the effective implementation of the legislation on domestic violence and acid attacks and prosecute those responsible.

Children

The Pakistani government failed to establish the National Commission on the Rights of the Child, an independent body to protect and enforce child rights in the country. Attacks on schools and the use of children in suicide bombings by the Taliban and affiliated armed extremist groups continued. Armed militant groups recruited children into combat. Security forces, political groups, and criminal gangs have also occupied and used education institutions, denying children the right to education.

In the last UPR in 2012, the Pakistan government accepted the recommendation to “consolidate measures to address sexual abuses and exploitation of children.” Nonetheless, rampant sexual abuse of children was exposed in August 2015, when police discovered that criminals had produced and sold more than 400 videos of girls and boys being sexually abused in Kasur, Punjab. These videos had been filmed over a span of 10 years, affecting 280 children.

In May 2016, the UN Committee on the Rights of the Child concluded its review of Pakistan and expressed concern about a number of issues affecting children including executions, the impact of

sectarian violence and terrorism, alleged torture and ill-treatment in police custody, and use of children in the worst forms of labor.

Recommendations:

- Make 18 years the minimum age of marriage for women and men;
- Create a comprehensive national action plan to end child marriage, investigate all complaints of child marriage promptly, intervene to prevent child marriage wherever possible, and prosecute anyone who has facilitated or arranged a child marriage in violation of the law;
- Ensure that social welfare officers, social workers, and law enforcement officials identify and protect children who are victims of sexual abuse;
- Investigate and appropriately prosecute those responsible for sexual abuse of children;
- Investigate and appropriately prosecute individuals responsible for attacks on students, teachers, and schools.
- Respond to attacks on schools by promptly repairing damaging and ensuring that students can safely return to class.
- Take concrete measures to deter the military use of schools, including by joining the Safe Schools Declaration.

Sexual Orientation and Gender Identity

In 2009, Pakistan's Supreme Court asked the government to ensure rights of transgender people to basic education, employment, and protection, an important step toward legally recognizing gender identity and protecting transgender people. However, violent attacks against transgender and intersex women in Khyber Pakhtunkhwa province surged in 2016, with unknown assailants frequently targeting those involved in activism. Since January 2015, human rights groups in Khyber Pakhtunkhwa have recorded dozens of threats and attacks against trans people and their property, including abuses while in police custody. In May 2015, Alisha, a 23-year-old transgender activist, was shot eight times in Peshawar, and died in the hospital while staff debated whether to put her in the male or female ward. In September 2016, the National Commission for Human Rights called on the government to investigate the attacks. The Khyber Pakhtunkhwa provincial parliament voted unanimously to ensure voting rights for transgender people; and a provincial court ruled that the national census should include three gender options.

Pakistan's penal code continues to criminalize homosexuality, placing men who have sex with men at risk of police abuse and other violence and discrimination.

Recommendations:

- Undertake prompt, thorough, and impartial investigations into attacks on transgender people and ensure those responsible are brought to justice;
- Arrange for the police to work with transgender communities and organizations to introduce sensitivity training in accordance with the 2009 Pakistan Supreme Court judgment on ending discrimination against transgender people and with international human rights principles.

Persons with Disabilities

During the 2012 UPR, the Pakistan government agreed to "continue working for the welfare of children, women and persons with disabilities." Pakistan ratified the Convention on the Rights of Persons with Disabilities in 2011, yet implementation has been slow. For example, under the convention, Pakistan is obliged to provide adequate health care, support, and procedural

adjustments to enable people with disabilities to participate in the judicial process. Yet adequate safeguards for the rights of prisoners with disabilities have not been put in place. Some individuals with physical or psychosocial disabilities were on death row in very difficult conditions, including in solitary confinement, which can severely exacerbate previously existing mental health conditions.

Recommendations:

- Ensure effective access to justice for people with disabilities, including by providing adequate health care, support, and procedural adjustments to enable people with disabilities to participate in the judicial process;
- Prohibit the prolonged solitary confinement of any prisoner;
- Prohibit solitary confinement of prisoners with psychosocial disabilities.