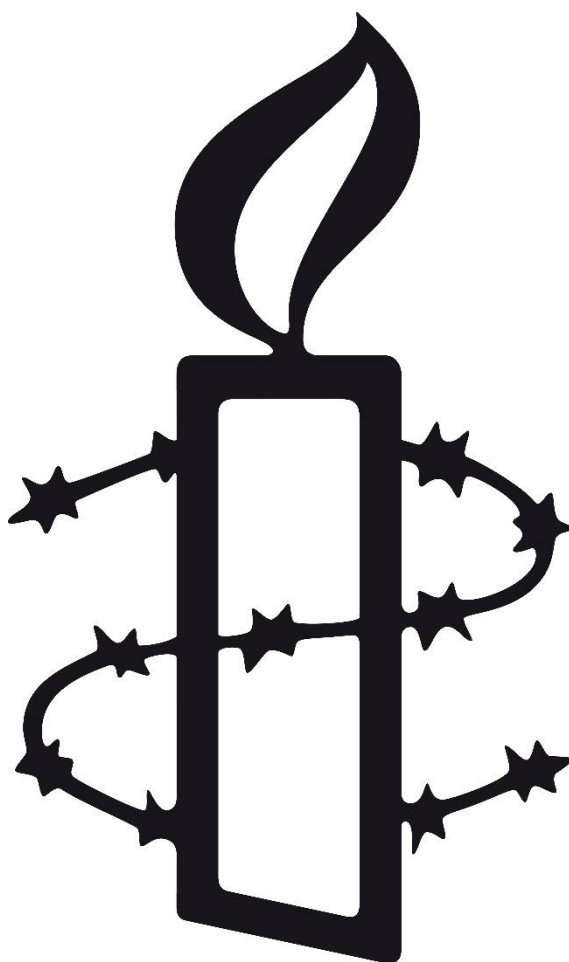


PAKISTAN

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE
142ND SESSION, 14 OCTOBER – 8 NOVEMBER 2024



AMNESTY
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Amnesty International submits this information to the UN Human Rights Committee (the Committee) in advance of its consideration of the second periodic report of Pakistan at the 142nd session of the Committee scheduled to be held between 14 October to 8 November 2024.

1. INTRODUCTION

This submission emphasizes human rights issues in relation to Pakistan's obligations under the International Covenant on Civil and Political Rights (the Covenant). The submission raises violations of the rights to freedom of belief and religion, expression, peaceful assembly, privacy, liberty, and rights of refugees and asylum seekers, and obligations to ensure non-discrimination. This document is not an exhaustive list of concerns.

2. FREEDOM OF BELIEF AND RELIGION (ARTICLES 18, 19, 26, AND 27)

Pakistan authorities continue to fail to uphold the rights of religious minorities and freedom of belief. Structural discrimination is enshrined in the Constitution of Pakistan which bars non-Muslims from becoming heads of state, neither President¹ nor Prime Minister,² and declares Ahmadis to be non-Muslims.³ This is underpinned by laws that are often abused against religious minorities, including the blasphemy laws which are in violation of Pakistan's international legal obligations under the Covenant. Sections 295-A, 295-B, 295-C, 298-A, 298-B and 298-C from Chapter XV of the Pakistan Penal Code 1860 (PPC) contain 'offences related to religion' which are broad, vague and coercive in nature, carry heavy punishments such as life imprisonment and a mandatory death penalty for section 295-C offences and have resulted in the violations of the rights to freedom of religion or belief, of opinion and expression, and right to fair trial.⁴ In October 2023, the National Commission for Human Rights (NCHR) reported that at least 705 people were in detention and facing trials across the country on charges of blasphemy.⁵ Trials of people accused of blasphemy can take years to conclude in Pakistan's criminal justice system. The Committee on the Elimination of Racial Discrimination (CERD) noted in its concluding observations during Pakistan's combined 24th to 26th period review that the increase in number of cases from 2020 to 2023 was "alarming" and that "individuals accused of blasphemy often face prolonged detention, solitary confinement, and prolonged trials" in violation of their right to fair trial.⁶ The first death sentence in an online blasphemy case was in June 2017⁷ and since then there has been an increase in blasphemy prosecutions relating to digital spaces.⁸ Amnesty International has called for the immediate and unconditional release of all persons deprived of liberty (whether awaiting trial or following conviction) solely for peacefully exercising their rights to freedom of expression and freedom of thought, conscience, religion or belief. Amnesty International considers Junaid Hafeez, a professor at Bahauddin Zakaria University who is awaiting trial of appeal against his death sentence for alleged blasphemy and has been in solitary confinement for the last 10 years, to be a prisoner of conscience.⁹ The blasphemy laws have been abused and used to target artists, human rights defenders, activists, and journalists as well as some of the most marginalized people in society. In 2021 an eight-year-old Hindu boy became the youngest person to be accused of blasphemy.¹⁰ The charges against him were later dropped.

¹ Pakistan, Constitution of the Islamic Republic of Pakistan, 1973, Part III, Chapter 1, Article 41, https://na.gov.pk/uploads/documents/1333523681_951.pdf.

² Pakistan, Constitution of the Islamic Republic of Pakistan, 1973, Part III, Chapter 3, Article 91(3), https://na.gov.pk/uploads/documents/1333523681_951.pdf.

³ Pakistan, Constitution of the Islamic Republic of Pakistan, 1973, Part XII, Chapter 5, Article 260(3)(b), https://na.gov.pk/uploads/documents/1333523681_951.pdf.

⁴ Amnesty International, "Pakistan: Accusations of blasphemy continue to endanger lives", 25 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/accusations-of-blasphemy-in-pakistan-continue-to-endanger-lives>

⁵ National Commission of Human Rights, *Report on Pakistan's Compliance with CERD*, July 2024, <https://nchr.gov.pk/wp-content/uploads/2024/07/Report-on-Pakistans-Compliance-with-CERD-NCHR-Pakistan.pdf>, p. 14.

⁶ Committee on the Elimination of Racial Discrimination (CERD), Concluding observations: Pakistan, 23 August 2024, UN Doc. CERD/C/PAK/CO/24-26, para 15.

⁷ Amnesty International, "Pakistan: Quash conviction and death sentence for alleged blasphemy in Facebook post", 12 June 2017, <https://www.amnesty.org/en/latest/press-release/2017/06/pakistan-quash-conviction-and-death-sentence-for-alleged-blasphemy-in-facebook-post>

⁸ Human Rights Watch, *Pakistan's Blasphemy Law Targets Youth on Social Media*, 11 March 2024, <https://www.hrw.org/news/2024/03/12/pakistans-blasphemy-law-targets-youth-social-media>.

⁹ Amnesty International, "Pakistan: Authorities must immediately and unconditionally release Junaid Hafeez", 25 September 2019, <https://www.amnesty.org/en/latest/news/2019/09/pakistan-authorities-immediately-unconditionally-release-junaid-hafeez-2>

¹⁰ Amnesty International, "Pakistan: Drop ludicrous blasphemy charges against eight-year-old boy", 9 August 2021, <https://www.amnesty.org/en/latest/news/2021/08/pakistan-drop-ludicrous-blasphemy-charges-against-eight-year-old-boy>

In August 2023, the Pakistan parliament unanimously passed an amendment (Criminal Laws (Amendment) Bill 2023) to expand the punishment under blasphemy laws, specifically targeting Shia Muslims.¹¹ While the amendment lapsed after it was not signed into law by the President, it resulted in sectarian rifts in Gilgit Baltistan region and accusations of blasphemy against a Shia man, leading to widespread unrest.¹²

Misuse of blasphemy laws is common, often weaponized against minority communities leading to violence and threats to the life and safety of minorities based on mere accusations. Blasphemy laws have been weaponized against the Ahmadiyya community by religious parties and lawyer associations, particularly the Khatm-e-Nabuwat Lawyers Forum, who frame charges under sections 298A, 298B and 298C of the PPC against Ahmadis for allegedly ‘posing as Muslims’. Lawyers’ associations use pressure tactics such as strikes, threats to judges and law enforcement,¹³ and direct violence to register criminal complaints¹⁴

The limitation on Ahmadiyya community’s right to freedom of religion and belief has extended online. Websites about the community have been blocked in Pakistan.¹⁵ In February 2023, Pakistani authorities blocked access to online encyclopedia, Wikipedia, for two days for not removing ‘blasphemous’ content.¹⁶ There have been four targeted killings of Ahmadis in 2024 and at least five in 2020.¹⁷

From 2021 onwards at least six people have been killed due to mob violence, particularly in Sialkot in 2021,¹⁸ Khanewal in February 2022,¹⁹ Nankana Sahib in February 2023,²⁰ Sawaldher in May 2023,²¹ Sargodha in May 2024²² and Swat in June 2024, and a series²³ targeted killings²⁴ based on blasphemy allegations.²⁵ In the 2023 Jaranwala attacks²⁶ 26 churches and 80 houses were destroyed by a mob following allegations of blasphemy against two Christian men, later proven innocent.²⁷ Amnesty International found that despite the government’s promises of accountability and compensation in the aftermath of the Jaranwala incident, many suspects involved in the mob violence remain at large and 40% of the survivors have not received compensation from the state.²⁸

While the state has justified blasphemy laws as necessary to prevent mob violence, the registration of cases of blasphemy by the police has not prevented mobs from carrying out violence. In June 2024, a 36-year-old Muslim man accused of desecrating the Quran was taken away by a mob from a police station in Swat, lynched and then burnt to death.²⁹ Similarly in February 2023, a man accused of

¹¹ Dawn, “Senate passes bill to ramp up punishment for blasphemy to at least 10 years”, 8 August 2023, <https://www.dawn.com/news/1769073>

¹² Dawn, “Will normalise GB situation within two days, claims CM”, 5 September 2023, <https://www.dawn.com/news/1774031>

¹³ *Express Tribune*, “SC alarmed over smear drive against CJ”, 22 February 2024, <https://tribune.com.pk/story/2457294/sc-alarmed-over-smear-drive-against-cj>

¹⁴ Lahore High Court, Muhammad Hassan Muawiyah v Inspector General of Police, Punjab, W.P. No. 214966 of 2018, 5 March 2019, <https://sys.lhc.gov.pk/appjudgments/2019LHC780.pdf>

¹⁵ Amnesty International, “Pakistan: Persecution of Ahmadis must end as authorities attempt shutdown of US website”, 3 February 2021, <https://www.amnesty.org/en/latest/press-release/2021/02/pakistan-persecution-of-ahmadis-must-end-as-authorities-attempt-shutdown-of-us-website>

¹⁶ Dawn, “PTA allowed to block websites sharing ‘objectionable material’”, 7 February 2023, <https://www.dawn.com/news/1735728>

¹⁷ Amnesty International, “Pakistan: Surge in Targeted Killings of Ahmadis”, 26 November 2020, <https://www.amnesty.org/en/latest/news/2020/11/pakistan-surge-in-targeted-killings-of-ahmadis-2>

¹⁸ Guardian, “Man tortured and killed in Pakistan over ‘blasphemy’”, 3 December 2021, <https://www.theguardian.com/world/2021/dec/03/pakistan-sri-lankan-man-priyantha-diyawadana-tortured-killed-alleged-blasphemy-sialkot>

¹⁹ BBC, “Pakistan: Man accused of blasphemy killed by mob in Khanewal”, 13 February 2022, <https://www.bbc.com/news/world-asia-60368498>

²⁰ Guardian, “Mob storms Pakistan police station and lynches man accused of blasphemy”, 12 February 2023, <https://www.theguardian.com/world/2023/feb/12/mob-storms-pakistan-police-station-and-lynches-man-accused-of-blasphemy>

²¹ Al Jazeera, “Pakistani man lynched over alleged blasphemy remarks during rally”, 7 May 2023, <https://www.aljazeera.com/news/2023/5/7/pakistani-man-lynched-over-alleged-blasphemy-remarks-during-rally>

²² Dawn, “Man attacked over blasphemy allegation die”, 4 June 2024, <https://www.dawn.com/news/1837667>

²³ Al Jazeera, “Pakistani teacher killed for alleged blasphemy: Police”, 30 March 2022, <https://www.aljazeera.com/news/2022/3/30/pakistan-school-teacher-killed-for-alleged-blasphemy-police>

²⁴ Guardian, “Pakistani student kills school head in blasphemy law row”, 22 January 2018, <https://www.theguardian.com/world/2018/jan/22/pakistani-student-kills-school-head-in-blasphemy-law-row>

²⁵ Dawn, “Teacher killed on blasphemy allegation in Turbat”, 7 August 2023, <https://www.dawn.com/news/1768725>

²⁶ Amnesty International, “Pakistan: Authorities must ensure protection of minority Christian community”, 16 August 2024, <https://www.amnesty.org/en/latest/news/2023/08/pakistan-authorities-must-ensure-protection-of-minority-christian-community>

²⁷ Dawn, “Brothers ‘framed’ for Jaranwala desecration freed after acquittal”, 2 March 2024, <https://www.dawn.com/news/1818463>

²⁸ Amnesty International, “Pakistan: One year since Jaranwala attack, minority Christians await justice”, 16 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/pakistan-one-year-since-jaranwala-attack-minority-christians-await-justice>

²⁹ BBC, “Tourist accused of blasphemy killed by mob in Pakistan”, 21 June 2024, <https://www.bbc.com/news/articles/cedd00z7dpyo>

blasphemy was arrested by the police, but the mob broke into the police station, vandalizing it, before lynching and burning him to death.³⁰

The authorities have failed to protect the Hazara Shia community in Pakistan from threats and attacks. The Hazara population in Pakistan faces discrimination and violence based on their religion, from anti-Shia groups, and their ethnicity.³¹ For decades their religious processions, pilgrimage convoys and marketplaces have been attacked by sectarian armed groups resulting in loss of life.³² In 2019, a marketplace bombing in a Hazara neighborhood in Quetta killed at least 16 people.³³ Following the bombing, the Hazara community in Quetta staged a four day sit-in, demanding better security against targeted attacks.³⁴ Other major attacks on the community included the killing of 11 Shia Hazara coal miners in January 2021.³⁵

Discriminatory practices against religious minorities also result in the denial of economic and social rights. The CERD noted in its treaty body review there were “discriminatory employment and advertisement practices based on racist stereotypes of certain ethnic minority groups or castes, such as those targeting non-Muslim minorities for sanitation work”.³⁶ Sanitation work in Pakistan is stigmatized and subject to low pay and poor working conditions resulting in frequent deaths of sanitation workers due to inhalation of toxic fumes. It was reported by the Lahore Waste Management Company that there were 70 death of sanitation workers in 2019 alone.³⁷ Discriminatory government job advertisements for sanitation workers have been documented to require applicants to be non-Muslims or give preference to non-Muslims, perpetuating caste-based economic structures.³⁸ Pakistan does not explicitly recognize caste-based discrimination within its legal system.

Recommendations

Amnesty International recommends that the government of Pakistan:

- Urgently repeal sections 295, 295-A, 295-B, 295-C, 298-A, 298-B and 298-C of the Pakistan Penal Code 1860. Pending full abolition of the death penalty, repeal without delay the death penalty for all crimes.
- Immediately and unconditionally release all persons deprived of liberty (whether awaiting trial or following conviction) solely for peacefully exercising their rights to freedom of expression and freedom of thought, conscience, religion or belief and drop all charges against them and quash any convictions for blasphemy.
- Publicly condemn acts of violence, threats and intimidation, and hate crimes purportedly justified in the name of religion, including incitement to such acts. Any allegations of such acts must be promptly, thoroughly, independently, impartially, transparently and effectively investigated. Where there is sufficient admissible evidence, those suspected of responsibility must be brought to justice in fair trials without recourse to the death penalty.
- Ensure protection of all religious minority communities and their places of worship, homes, and businesses from mob threats and violence.

³⁰ Guardian, Mob storms Pakistan police station and lynches man accused of blasphemy, 12 February 2023,

<https://www.theguardian.com/world/2023/feb/12/mob-storms-pakistan-police-station-and-lynches-man-accused-of-blasphemy>

³¹ National Commission for Human Rights Pakistan, *UNDERSTANDING THE AGONIES OF ETHNIC HAZARAS*, February 2018, <https://www.nchr.gov.pk/wp-content/uploads/2023/09/Understanding-the-Agonies-of-Ethnic-Hazaras.pdf>, p. 2.

³² Amnesty International, “Pakistan: Hazara community must be protected”, 12 April 2019, <https://www.amnesty.org/en/latest/news/2019/04/pakistan-hazara-community-must-be-protected-2>

³³ Amnesty International, “Pakistan: Hazara community must be protected”, 12 April 2019, <https://www.amnesty.org/en/latest/press-release/2019/04/pakistan-hazara-community-must-be-protected>

³⁴ Geo News, “Quetta blast: Hazara community stages sit-in for second day”, 13 April 2019, <https://www.geo.tv/latest/234026>

³⁵ BBC, “Pakistan coal miners kidnapped and killed in IS attack”, 4 January 2021, <https://www.bbc.com/news/world-asia-55522830>

³⁶ CERD, Concluding observations: Pakistan, 2024 (previously cited), para. 21.

³⁷ Center for Law and Justice, *Shame and Stigma in Sanitation*, September 2021, <https://clj.org.pk/wp-content/uploads/2023/08/Shame-and-Stigma-in-Sanitation-New-Edition-2021.pdf>, p. 13.

³⁸ National Commission on Human Rights, *UNEQUAL CITIZENS: Ending Systemic Discrimination against Minorities*, May 2022, <https://www.nchr.gov.pk/wp-content/uploads/2022/05/Unequal-Citizens.pdf>.

3. RIGHTS OF WOMEN, TRANSGENDER AND GENER-DIVERSE COMMUNITIES (ARTICLES 6, 16, 17, 24, AND 26)

Violence against women, girls, and gender-diverse groups continues to be widespread in Pakistan, and systemic discrimination and barriers to political participation still exist. Despite the government's pledge during its fourth UPR review to enact the Domestic Violence (Prevention and Protection) Bill 2021, it had yet to make any concrete efforts to do so. There is no unified minimum age of marriage across the country, Sindh province has raised it to 18 years for girls and boys however Punjab, Khyber Pakhtunkhwa and Balochistan still have the minimum age as 16 for girls, while it is 18 for boys. Legislation related to harassment and gender-based violence were passed in the form of the Harassment of Women at the Workplace (Amendment) Act 2022 and Anti-Rape (Investigation and Trial) Act 2021, the laws have lacked implementation.

Pakistan lacks a comprehensive domestic violence law throughout the country. Domestic violence Acts passed by provinces vary in their effectiveness and the protections they provide to survivors. Sindh, Balochistan and Punjab already had laws on domestic violence, and Khyber Pakhtunkhwa province passed the Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021 in January 2021.³⁹ Additionally, despite the enactment of laws barriers exists to accessing the legal system in the form of lack of implementation, awareness of the law, resources and support to access justice.

Exact figures of gender-based violence in Pakistan are not collected consistently, and data is not disaggregated by "sex, age, ethnicity, religion, disability, geographical location and socioeconomic background"⁴⁰ nor along lines of different gender identities. The Punjab Commission on Status of Women stated that in 2023, 5,655 cases of domestic violence were reported in Punjab to the government's telephone-based helpline established in 2014, marking an increase in complaints since 2022.⁴¹ In a report by the Punjab police to the Senate Functional Committee on Human Rights, however, the number of domestic violence cases in Punjab were reported to be 10,201 in 2023.⁴² Despite laws to address gender-based violence enacted since 2017⁴³ these cases continue unabated. The Violence against Women Centre established in Multan in March 2017 was envisioned as a model to be replicated across the province.⁴⁴ However, it fell into near disuse⁴⁵ due to a lack of budget allocation which led to non-payment of staff salaries in 2018⁴⁶ and 2019.⁴⁷ Further protection centers have not been set up across the province and the government has failed to notify Rules under the Punjab Women Protection Act 2016.⁴⁸

Gender-based violence by family members or partners is difficult for women and girls to report due to social stigma and societal pressure, facilitated by law enforcement, the courts, and tribal councils (jirgas) to reach settlements outside of court. In July 2024, a female news anchor registered a case against her husband for physically assaulting her multiple times. However, shortly after his arrest, the victim dropped charges against him, refusing to continue the legal battle due to pressure from the family.⁴⁹

³⁹ Dawn, "KP finally legislates to criminalise domestic violence", 16 January 2021, <https://www.dawn.com/news/1601824>

⁴⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Concluding observations: Pakistan, 10 March 2020, UN Doc. CEDAW/C/PAK/CO/5, para. 51.

⁴¹ Human Rights Commission of Pakistan, "State of Human Rights in 2023", <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf>, p. 42.

⁴² Dawn, "Senate panel for national database on domestic violence", 29 August 2024, <https://www.dawn.com/news/1855344/senate-panel-for-national-database-on-domestic-violence>

⁴³ Criminal Law (Amendment) Act, 2021, Anti-Rape (Trial & Investigation) Act 2021, Domestic Violence against Women (Prevention and Protection) Act, 2021, and Protection against Harassment of women at the Workplace (Amendment) Act, 2022.

⁴⁴ The News International, "Pakistan's first 'Violence Against Women Center' inaugurated in Multan", 29 March 2017, <https://www.thenews.com.pk/latest/195270-Pakistans-first-Violence-Against-Women-Center-inaugurated-in-Multan>

⁴⁵ Lok Sujag, "Victim of neglect: Multan's center for helping women in distress fails to achieve its objective", 24 March 2022, <https://loksujag.com/story/violence-against-women-centre-multan>

⁴⁶ Express Tribune, "Multan's VAWC on brink of closure" 9 January 2018, <https://tribune.com.pk/story/1603684/multans-vawc-brink-closure>

⁴⁷ Dawn, "Employees of women's centre go on strike in Multan", 8 March 2019, <https://www.dawn.com/news/1468247>

⁴⁸ The Express Tribune, "Domestic violence laws remain words on paper", 18 August 2024, <https://tribune.com.pk/story/2489070/domestic-violence-laws-remain-words-on-paper>

⁴⁹ The News International, "'No peace' with husband as TV host Ayesha Jahanzeb announces filing for divorce", 19 July 2024, <https://www.thenews.com.pk/latest/1211241-no-peace-with-husband-as-tv-host-ayesha-jahanzeb-announces-filing-for-divorce>

So-called ‘honor killings’ are endemic in Pakistan with 226 instances reported between 2023-2024, according to the Human Rights Commission of Pakistan.⁵⁰ In 2023, an 18-year-old woman was murdered in a so-called ‘honor killing’ on the orders of a tribal council in Kohistan.⁵¹ There is a culture of impunity around these killings, starkly reflected in the case of social media influencer, Qandeel Baloch, who was murdered for so-called ‘honor’ by her brother in 2016.⁵² Her brother was acquitted in 2022 by the Lahore High Court as result of the family granting forgiveness.⁵³

Despite the high incidence of gender-based violence, women’s limited access to justice and social stigmatization leads to low reporting and even lower conviction rates. UN Women reports that the conviction rates for gender-based crimes remain between 1-2.5%.⁵⁴ In its CEDAW review in 2020, Pakistan was urged to “introduce systematic capacity-building for judges, prosecutors, police officers and other law enforcement officials on the strict application of criminal law provisions”.⁵⁵

Women and girls working as domestic workers are frequently subject to violence in Pakistan. In March 2024, a 12-year-old girl employed as a domestic worker was found physically abused and killed at her employers’ home in Sargodha. A murder case was registered against the employers.⁵⁶ In August 2023, a murder case was filed in Hyderabad following the death of a nine-year-old girl employed as a domestic worker. Videos of the girl at her employers’ house bearing signs of physical abuse were made public and the postmortem report showed that she had been raped and assaulted.⁵⁷ No convictions have taken place in both cases. Women and girls employed in domestic settings are often part of the informal economy and not subject to labor laws given the informal nature of their employment, leaving them vulnerable to abuse, including of their economic rights. While child domestic labor was officially designated as a hazardous occupation under the Employment of Children Act of 1991 in July 2020,⁵⁸ this designation was only applicable to Islamabad capital territories and implementation of any laws given the invisible nature of the work remains a challenge.⁵⁹ Pakistan has previously been urged by the Committee on the Rights of the Child to “develop programmes and mechanisms to identify and protect child victims of forced labour, particularly bonded labour, and child labour in the informal sector, including domestic work”.⁶⁰ The National Commission on the Rights of the Child has proposed a Child Domestic Labour Bill 2024 to address these legal loopholes and strengthen protections, however the bill has not been presented in parliament yet.⁶¹

Women and girls from religious minorities, in particular, Hindu girls in Sindh, remain vulnerable to forced conversion and forced marriage. According to the Centre for Social Justice, in 2023, there were at least 136 cases of abduction and forced conversions across Pakistan, with 75% under the age of 18.⁶² There were at least 78 cases in 2021 and 124 in 2022, showing a rising trend.⁶³ Despite this rise, in 2021, the Prohibition of Forced Conversion Act 2021 was rejected by the Parliamentary Committee to Protect Minorities from Forced Conversions.⁶⁴

Transgender (*khawajasara*) and gender-diverse people were subjected to increased incidents of violence, harassment, intimidation and murder. In May 2023, the rights of transgender people under

⁵⁰ Human Rights Commission of Pakistan, *State of Human Rights in 2023*, <https://hrccp-web.org/hrccpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf>, p. 17.

⁵¹ Amnesty International, “Pakistan: Authorities must end impunity of tribal councils as so-called “honour killings” continue unabated”, 30 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/pakistan-authorities-must-intensify-pressure-to-end-impunity-of-tribal-councils-as-honour-killings-continue-unabated>

⁵² Amnesty International, “Pakistan: End impunity for so-called ‘honour’ crimes”, 19 July 2016, <https://www.amnesty.org/en/latest/press-release/2016/07/pakistan-end-impunity-for-honour-crimes>

⁵³ BBC, “Qandeel Baloch: Court acquits brother of Pakistan star’s murder”, 12 February 2022, <https://www.bbc.com/news/world-asia-60388111>

⁵⁴ United Nations Women, “Protection against harmful practices”, <https://pakistan.unwomen.org/en/our-work-pk/protection-against-harmful-practices>

⁵⁵ CEDAW, Concluding observations, 2020 (previously cited), para. 32.

⁵⁶ Dawn, “Couple held in Sargodha for torture, murder of housemaid”, 6 March 2024, <https://www.dawn.com/news/1819538>

⁵⁷ Amnesty International, “Annual Report: Pakistan 2023”, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan>.

⁵⁸ The News International, “Child domestic labour prohibited under Child Employment Act 1991”, 6 August 2020,

<https://www.thenews.com.pk/print/696798-child-domestic-labour-prohibited-under-child-employment-act-1991>

⁵⁹ Friedrich-Ebert-Stiftung, *Study on Domestic Child Labour in Pakistan*, August 2023, <https://library.fes.de/pdf-files/bueros/pakistan/20532-20230928.pdf>, p. 15.

⁶⁰ Committee on the Rights of the Child (CRC), Concluding observations: Pakistan, 11 July 2016, UN Doc. CRC/C/PAK/CO/5, para. 72.

⁶¹ Dawn, “National Commission on the Rights of Child launches campaign to address child domestic labour”, 27 June 2024, <https://www.dawn.com/news/1842196>

⁶² Centre for Social Justice, *Human Rights Observer 2024, March 2024*, https://csjpk.org/pdf/report_hro_final.pdf, p. 11.

⁶³ Centre for Social Justice, *Human Rights Observer 2023, March 2023*, https://csjpk.org/pdf/Human_Rights_Observer_2023.pdf, p. 4.

⁶⁴ Dawn, “Parliamentary panel rejects anti-forced conversion bill amid protest by minorities’ lawmakers”, 13 October 2021, <https://www.dawn.com/news/1651813>

the Transgender Persons (Protection of Rights) Act 2018 were rolled back by the Federal Shariat Court in a decision which declared ‘self-perceived identity’ and inheritance rights in the law to be ‘incompatible’ with the principles of Islam.⁶⁵ The decision was the culmination of a hate and misinformation campaign against transgender (Khwajasira) rights by political and Islamist groups. The court’s decision has since been appealed and is awaiting a hearing date.⁶⁶ In parallel, members of Parliament from the Jamaat e Islami political party tabled regressive amendments to the Transgender Protection Act which included requiring medical examination as a pre-requisite for affirming one’s gender, replacing the word ‘transgender’ with ‘intersex’ in the Act, and criminalizing the provision of gender-affirming healthcare.

Recommendations

Amnesty International calls on the Government of Pakistan to:

- Immediately pass the Domestic Violence (Prevention and Protection) Bill and ensure effective implementation of domestic violence laws in the provinces in line with international law and standards.
- Ensure effective implementation of laws aimed at tackling gender-based violence, harassment, and technology-facilitated gender-based violence through gender sensitive and survivor-centric reforms in the judicial system, ensuring that perpetrators of gender-based violence are held accountable through fair trials without recourse to the death penalty.
- Ensure that all pending cases of gender-based violence are investigated and prosecuted in a timely manner that protects rights of survivors, subject to fair trial safeguards under international human rights law.
- Pass legislation criminalizing forced conversions, while ensuring that the punishments and processes in the law are in line with international human rights standards.
- Ensure adequate funds are allocated for shelter homes, women protection centers and gender-based violence courts envisioned under existing laws to ensure survivor-centric and gender-centric protections.
- Restore provisions of the Transgender Persons (Protection of Rights) Act 2018, granting rights of self-determination of gender, while preserving the right to privacy, access to healthcare and medical services is given to transgender and gender-diverse individuals without discrimination and ensure its alignment with international human rights laws and standards.
- Respect, protect and fulfil the human rights of transgender and intersex people including the rights to privacy, to bodily autonomy and to non-discrimination by ensuring their access to legal gender recognition and protecting them from abusive and unnecessary health interventions and surgeries.

4. RESTRICTIONS ON RIGHT TO PEACEFUL PROTEST, ASSEMBLY AND ASSOCIATION (ARTICLES 21 AND 22)

The rights to freedom of peaceful assembly in Pakistan are severely undermined by broad laws restricting assembly, government notifications that impose arbitrary limits on protests, the unlawful use of force by law enforcement and the state’s vilification of protesters. Laws such as section 144 of the Code of Criminal Procedure 1898 give wide discretionary powers to the district administrations to limit assembly to four people or less.⁶⁷ The Punjab government widened the power of the District

⁶⁵ Federal Shariat Court of Pakistan, Hammad Hussain and others v Federation of Pakistan and others, PLD 2023 FSC 301, 19 May 2023, <https://www.federalshariatcourt.gov.pk/Judgments/Shariat%20Petition%2005-1%200F%202020%20Hammad%20Hussain%20v%20FOP%20-%20Transgender.pdf>, para. 96.

⁶⁶ Amnesty International, “Pakistan: Reject Proposed Rollbacks on The Transgender Persons Act”, 17 May 2023, <https://www.amnesty.org/en/documents/asa33/6787/2023/en>

⁶⁷ Pakistan, Code of Criminal Procedure, 1898, Section 144, <https://pakistancode.gov.pk/english/UY2FqJw1-apaUY2Fq-apaUY2Npa5lp-sg-jjjjjjjjjjjj>.

Commissioners to pass an order under section 144 through an Ordinance,⁶⁸ and has since announced plans to pass a more permeant amendment.⁶⁹ Violations of section 144 are subject to punitive action of imprisonment up to six months or a fine under section 188 of the PPC. The government is also empowered to conduct preemptive arrest under the Maintenance of Public Order Ordinance 1960 for up to six months.⁷⁰ Amnesty International noted that the Ordinance was used to arbitrarily detain members of the Ahmaddiya community in June 2024.⁷¹ In September 2024, the government passed the Peaceful Assembly and Public Order Act 2024 within a week of being presented in parliament.⁷² The Act increases powers of the District Magistrate to impose a ban on assemblies if deemed to pose “a risk to national security or public safety”, “substantial risk of violence or public disorder”, or “disrupt daily activities of the community”. The Act also introduces a three-year punishment for unlawful assembly.⁷³

Amnesty International notes that the government imposed a blanket ban on assemblies under section 144 across Lahore district on 8 March 2023 when the Aurat March and a Pakistan Tehreek-e-Insaf (PTI) party rally were scheduled.⁷⁴ The police crackdown on protesters at the PTI rally resulted in the death of one protester.⁷⁵ Protests led by women and gender-diverse communities, particularly the annual women’s marches, were subject to bans and harassment from authorities⁷⁶ as well as violent attacks from opposition groups.⁷⁷ Protests against enforced disappearances led by Baloch and Sindh women were met with excessive use of force including tear gas, water cannons, batons, and firing.⁷⁸

Criminalization of peaceful protesters under laws such as the Anti-Terrorism Act 1997 and sections of the PPC relating to sedition (section 124A) and unlawful assembly (sections 141 to 146) has resulted in the arrest and prolonged detention of political opponents⁷⁹ and activists.⁸⁰ Despite the offence of sedition being declared unconstitutional by the Lahore High Court in March 2023,⁸¹ the law continues to be used across the country. Mass arrests in wake of the 9 May 2023 protests, following the arrest of former Prime Minister Imran Khan, resulted in more than 4,000 people being detained, with many facing months in detention. Some protesters and PTI members are still in custody.⁸² Amnesty International has documented the unlawful detention of Pashtun Tahaffuz Movement (PTM) members through their repeated arrest.⁸³ Excessive use of force against protestors has included batons, water cannons, teargas,⁸⁴ and fire ammunition resulting in deaths.⁸⁵ In cases of excessive use of force against protesters, there has been a lack of independent, impartial, transparent and effective investigation. In 2019, an attack on a protest by the PTM members in Kharqamar, North Waziristan⁸⁶

⁶⁸ Pakistan, Code of Criminal Procedure (Amendment) Ordinance, No. Legis:13-38/2009(P-VII, 2023) Section 2,

https://library.lhc.gov.pk/pdf/WhatsNew/code-of-criminal-procedure-amendment-ordinance-2023-v-of-2023-pdf_compressed_f8b5.pdf.

⁶⁹ Dawn, “Punjab cabinet gives nod to amendments to Section 144”, 31 July 2024, <https://www.dawn.com/news/1849069/punjab-cabinet-gives-nod-to-amendments-to-section-144>

⁷⁰ Pakistan, Maintenance of Public Order Ordinance, 1960, Section 3.

⁷¹ Amnesty International, “Pakistan: Authorities must end escalating attacks on minority Ahmadiyya community”, 21 June 2024,

<https://www.amnesty.org/en/latest/news/2024/06/end-escalating-attacks-on-minority-ahmadiyya-community>

⁷² Dawn, “President signs public order bill into law in ‘haste’”, 8 September 2024, <https://www.dawn.com/news/1857645/president-signs-public-order-bill-into-law-in-haste>

⁷³ Pakistan Peaceful Assembly and Public Order Act, 2024, https://senate.gov.pk/uploads/documents/1725426577_919.pdf.

⁷⁴ Amnesty International, “Pakistan: Blanket ban on protests in Lahore must be lifted immediately”, 8 March 2024,

<https://www.amnesty.org/en/latest/news/2023/03/pakistan-blanket-ban-on-protests-in-lahore-must-be-lifted-immediately>

⁷⁵ Dawn, “PTI says worker killed in police crackdown in Lahore following imposition of Section 144”, 8 March 2024,

<https://www.dawn.com/news/1741058>

⁷⁶ Amnesty International, “Pakistan: Amnesty International stands with Aurat March”, 4 March 2020,

<https://www.amnesty.org/en/latest/news/2020/03/pakistan-amnesty-international-stands-with-aurat-march>

⁷⁷ Dawn, “Aurat March organisers demand judicial probe into Islamabad stone pelting incident”, 11 March 2020, <https://www.dawn.com/news/1539954>

⁷⁸ Amnesty International, “Pakistan: Living Ghosts: The Devastating Impact of Enforced Disappearances in Pakistan”,

<https://www.amnesty.org/en/documents/asa33/4992/2021/en>

⁷⁹ Carnegie Endowment for International Peace, “Inside the Punitive State: Governance Through Punishment in Pakistan”, 20 June 2024,

<https://carnegieendowment.org/research/2024/06/pakistan-punitive-state-terrorism-police?lang=en>

⁸⁰ Dawn, “Islamabad ATC grants police 3-day physical remand of Imaan Mazari, Ali Wazir in sedition case”, 21 August 2023,

<https://www.dawn.com/news/1771358>

⁸¹ Lahore High Court, *Haroon Farooq v Federation of Pakistan*, 2023 LHC 1450, <https://sys.lhc.gov.pk/appjudgments/2023LHC1450.pdf>.

⁸² Al Jazeera, “Long wait for families of PTI leaders jailed over 2023 protests in Pakistan”, 5 March 2024,

<https://www.aljazeera.com/features/2024/3/5/long-wait-for-families-of-pti-leaders-jailed-over-2023-protests-in-pakistan>

⁸³ Amnesty International, “Pakistan: End crackdown on PTM and release protestors”, 6 February 2019,

<https://www.amnesty.org/en/latest/news/2019/02/pakistan-end-crackdown-on-ptm-and-release-protestors>

⁸⁴ Amnesty International, “Pakistan: Investigate police for use of excessive force against protesting doctors”, 6 September 2021,

<https://www.amnesty.org/en/latest/news/2021/09/pakistan-investigate-police-for-use-of-excessive-force-against-protesting-doctors>

⁸⁵ Human Rights Commission of Pakistan, *Freedom of Peaceful Assembly in Pakistan: A legislative review*, April 2022, <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-Freedom-of-peaceful-assembly-in-Pakistan.pdf>, p. 47.

⁸⁶ Amnesty International, “Pakistan: Investigate North Waziristan killings”, 27 May 2023, <https://www.amnesty.org/en/latest/press-release/2019/05/pakistan-investigate-north-waziristan-killings>

resulted in at least three deaths.⁸⁷ No inquiry to hold law enforcement responsible for the excessive use of force was conducted, rather criminal cases were filed against PTM leaders before being withdrawn a year later.⁸⁸ Similarly, while the Khyber Pakhtunkhwa government announced plans to investigate the deadly use of force on a protest in Bannu in July 2024,⁸⁹ there has been no transparency about the progress of the investigation in wake of announcements to form a commission.⁹⁰ Protesters, particularly Baloch, women and transgender activists, are routinely subject to stigmatizing and harmful narratives generated and spread by both state and non-state actors with the aim of silencing them.⁹¹

Student unions continue to face a 40-year ban in the country since February 1984.⁹² The ban was imposed by the military regime of General Zia ul Haq and successive governments have failed to lift the restriction. Student unions were briefly allowed in 1989, however, the ban was reinstated four years later in 1993 requiring university students to sign an affidavit disavowing any political activity as a precondition for university admission.⁹³ Despite the passage of the Sindh Students Union Act 2019, which allowed student unions to be formed, student unions have not been revived in Sindh province, and the ban is still effective in the rest of the country. Similarly, the proposed Islamabad Capital Territory Students Unions Bill, presented in August 2023⁹⁴ and approved by the Senate Committee for Education in December 2023, has not been taken up by Parliament.⁹⁵ Students, particularly Baloch and Pashtun, have been subject to arbitrary disciplinary hearings and suspensions because of their political activity.⁹⁶ The government also announced plans to ban the PTI party in July 2024, however, the decision has not been implemented as it requires approval from the Supreme Court as per Pakistan's Constitution.⁹⁷

Recommendations

Amnesty International calls on the Government of Pakistan to:

- Repeal sedition offences under the penal code that criminalize the rights to freedom of expression and peaceful assembly and implement the decision of the Lahore High Court (dated 30 March 2023) declaring sedition offences unconstitutional.
- Implement safeguards to prevent the weaponization of anti-rioting and anti-terrorism offences to be used against protesters.
- Amend laws allowing for unlawful detention, such as the Maintenance of Public Order Ordinance, in line with international human rights standards.
- Repeal laws allowing blanket bans on assemblies, such as section 144 of the Code of Criminal Procedure, and other laws imposing authorization regimes requiring permits for assemblies.
- End excessive use of force by law enforcement agencies during the policing of protests through the adoption and implementation of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

⁸⁷ Dawn, "3 people killed, 5 soldiers injured in exchange of fire at check post in North Waziristan", 26 May 2023, <https://www.dawn.com/news/1484709/3-people-killed-5-soldiers-injured-in-exchange-of-fire-at-check-post-in-north-waziristan>

⁸⁸ Dawn, "Govt moves to withdraw Kharqamar case against PTM leaders, others", 10 July 2020, <https://www.dawn.com/news/1568156>

⁸⁹ Dawn, "Injuries, deaths 'due to firing' at Bannu protest for peace: KP govt spokesperson", 19 July 2024, <https://www.dawn.com/news/1846682>

⁹⁰ Dunya News, "KP government to form commission to probe Bannu incident", 21 July 2024, <https://dunyanews.tv/en/Pakistan/825409-KP-government-to-form-commission-to-probe-Bannu-incident>

⁹¹ Amnesty International, "Stigmatizing narratives and implications on the exercise of the rights to freedom of peaceful assembly and association in South Asia: Submission to the UN Special Rapporteur on Right to Peaceful Assembly and Association", 14 June 2024, <https://www.amnesty.org/en/documents/asa04/8167/2024/en>

⁹² Pakistan, Martial Law Order No. 1371, 1984 (repealed by The Martial Law Order No. 1371 (Repeal) Act, Pb. Act VI, 1989, <http://punjablaws.gov.pk/laws/374.html>.

⁹³ Supreme Court of Pakistan, *M. Ismail Qureshi and others v. M. Awais Qasim, Secretary General, Islami Jamiat Tulba, Pak*, 1993 SCMR 1707, 1993.

⁹⁴ https://www.senate.gov.pk/uploads/documents/1693197778_252.pdf.

⁹⁵ Pakistan Today, "Senate committee approves student union bill", 4 December 2023, <https://www.pakistantoday.com.pk/2023/12/04/senate-committee-approves-student-union-bill>

⁹⁶ Dawn, "Baloch student moves LHC against her suspension", 18 August 2024, <https://www.dawn.com/news/1852952/baloch-student-moves-lhc-against-her-suspension>

⁹⁷ Al Jazeera, "Pakistan government announces move to ban Imran Khan's PTI", 15 July 2024, <https://www.aljazeera.com/news/2024/7/15/pakistan-government-says-moving-to-ban-imran-khans-pti>

- Pass legislation to lift the ban on student unions throughout the country and take measures to ensure an enabling environment for student unions is provided.

5. FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION (ARTICLE 19)

Censorship, laws criminalizing rights to freedom of expression and access information and frequent restrictions, interference and shutdowns of internet and social media access have severely curtailed the rights in Pakistan. Since 2017, Pakistan has passed several laws to curtail the right to freedom of expression including the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2021, Prevention of Electronic Crimes (Amendment) Ordinance 2022⁹⁸ (struck down by the Islamabad High Court in April 2022),⁹⁹ Pakistan Electronic Media Regulatory Authority (Amendment) Act 2023, and the Punjab Defamation Act 2024. Use of laws relating to defamation, hate speech and “cyber terrorism” has resulted in the arrest, arbitrary detention and prosecution of journalists, social media content creators, activists, and political opponents.¹⁰⁰ In 2023, the Official Secrets Act 1923 was amended to expand the definition of ‘document’ to include “any written, unwritten, electronic, digital, or any other tangible or intangible instrument” relating to military installations.¹⁰¹ The amendment further insulates the military and security forces from any accountability or transparency by making it a crime to obtain, disclose, collect, record, retain, publish or communicate any document deemed to be “useful to an enemy of the State” or “prejudicial to the safety and interest of Pakistan”.¹⁰² Criminal defamation offences, section 20 of the Prevention of Electronic Crimes Act 2016 (PECA) and sections 499 and 500 of the PPC, have been weaponized particularly against journalists.¹⁰³ In April 2022, eight people were arrested for critical posts on Twitter (now known as X).¹⁰⁴ In 2023, a man was sentenced to three years imprisonment for defaming the military on social media.¹⁰⁵

Internet shutdowns and blocking of entire platforms have been a routine practice. Platforms such as Wikipedia (January 2023), Facebook, Instagram, TikTok (banned four times in 2020 and 2021) and YouTube have been subject to short-term blockages in the country. Websites of political parties such as Awami Workers Party (AWP)¹⁰⁶ and PTI¹⁰⁷ have also been blocked. Websites of news organizations have been blocked for posting critical content.¹⁰⁸ X (formerly Twitter) has been banned for more than six months in Pakistan since 17 February 2024.¹⁰⁹ The Pakistan Telecommunications Authority has reported blocking 1.25 million URLs for being ‘objectionable’, ‘decency and morality’, ‘security and defence of the country’, ‘against glory of Islam’, and ‘defamation/impersonation’, and ‘sectarian/hate speech’.¹¹⁰

Mobile and internet shutdowns by the authorities have become alarmingly frequent in the last five years. The Pakistan authorities shut down mobile services on the day of the 2024 General Election¹¹¹

⁹⁸ Amnesty International, “Pakistan: Repeal amendment to draconian cyber law”, 28 February 2022,

<https://www.amnesty.org/en/latest/news/2022/02/pakistan-repeal-draconian-cyber-crime-law>

⁹⁹ Dawn, “IHC strikes down Peca ordinance, terms it ‘unconstitutional’”, 8 April 2022, <https://www.dawn.com/news/1684032>

¹⁰⁰ Media Matters for Democracy, White Paper on Reforms for the Prevention of Electronic Crimes Act (PECA) 2016, May 2020, <https://www.cpdipakistan.org/wp-content/uploads/2021/01/WPPecaReforms-refined.pdf>, p. 10.

¹⁰¹ Pakistan, Official Secrets Amendment Act, Act No. LXIII, 2023, Section 2, [https://molaw.gov.pk/SitelImage/Downloads/Official%20Secrets%20\(Amendment\)%20Act,%202023.pdf](https://molaw.gov.pk/SitelImage/Downloads/Official%20Secrets%20(Amendment)%20Act,%202023.pdf).

¹⁰² Pakistan, Official Secrets Act, Act No. XIX of 1923, 2 April 1923, Section 3, <https://pakistancode.gov.pk/pdf/files/administrator46c9a3c62acc16428e73999e7d30ba2a.pdf>.

¹⁰³ Clooney Foundation for Justice, *Section 20 of Pakistan’s Prevention of Electronic Crimes Act: Urgent Reforms Needed*, September 2023, https://cfj.org/wp-content/uploads/2023/10/Pakistan_PECA-Report_September-2023.pdf.

¹⁰⁴ Amnesty International, “Pakistan: Immediately release eight people arrested over critical tweets”, 13 April 2022, <https://www.amnesty.org/en/latest/news/2022/04/pakistan-immediately-release-eight-people-arrested-over-critical-tweets>

¹⁰⁵ Dawn, “PTI supporter sentenced to 3 years in prison for tweeting against army, senior military leadership”, 16 February 2023, <https://www.dawn.com/news/1737472>

¹⁰⁶ Dawn, “AWP contacts ECP, telecom authority against website blockage,” 6 June 2023, <https://www.dawn.com/news/1412269>

¹⁰⁷ Dawn, “PTI says its websites ‘blocked’ in Pakistan ahead of Feb 8 polls”, 26 January 2024, <https://www.dawn.com/news/1808757>

¹⁰⁸ Dawn, “Urdu, Pashto VOA websites inaccessible in Pakistan,” December 13, 2018, <https://www.dawn.com/news/1451133>

¹⁰⁹ Amnesty International, “Pakistan: Civil Society Joint Statement Responding to Network Shutdowns and Platform Blocking” (Index: ASA 33/7834/2024), 15 March 2024, <https://www.amnesty.org/en/documents/asa33/7834/2024/en>

¹¹⁰ Dawn, “Over 1.25m URLs blocked over objectionable content, PTA tells SHC”, 17 April 2024, <https://www.dawn.com/news/1827920>

¹¹¹ Amnesty International, “Pakistan: Election-day internet shutdown is a reckless attack on people’s rights”, 8 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/pakistan-election-day-internet-shutdown-is-a-reckless-attack-on-peoples-rights>

and mobile internet services five days following former Prime Minister Imran Khan's arrest on 9 May 2023.¹¹² Section 54 of the Pakistan Telecommunications Act 1996 grants authorities the power to suspend mobile services. Mobile internet remained largely suspended in the territories formerly known as Federally Administered Tribal Area (FATA), officially merged with the province of Khyber Pakhtunkhwa in May 2018 through the Constitutional (Twenty-Fifth Amendment) Act, 2018,¹¹³ till 2021, and is still subject to frequent shutdowns particularly in Swat in 2022,¹¹⁴ Khurram and Bajour. Authorities also shut down mobile and network, including in parts of Balochistan in the lead up to the 2018 General Election,¹¹⁵ for 10 days in Gwadar in the 'Give Gwadar its Rights' protests (January 2023)¹¹⁶ and for 10 days during the Baloch Raji Muchi (Baloch National Gathering) (July 2024).¹¹⁷

Additionally, curbs have been placed on electronic media through broad powers exercised by the regulatory authority Pakistan Electronic Media Regulatory Authority (PEMRA). In July 2020, PEMRA ordered news channel 24NewsHD to be taken off air for the alleged "illegal transmission of news and current affairs content."¹¹⁸ Similarly in 2022, TV news channel ARY was temporarily suspended for allegedly airing "false, hateful and seditious content."¹¹⁹ In 2023, directives were issued against television channels from airing speeches of former Prime Minister Imran Khan¹²⁰ and journalists have been barred from even mentioning his name on television.¹²¹ In May 2024, PEMRA prohibited news channels from reporting on court proceedings and only allowing them to report "written orders" from courts.¹²²

Journalists have been routinely targeted through disinformation attacks, enforced disappearances and deadly attacks by state and non-state actors affecting their right to live, liberty and security of person and freedom of expression. Amnesty International has noted that violence against journalists escalated during 2020 and 2021 with attacks on prominent journalists Asad Ali Toor, Absar Alam and Matiullah Jan.¹²³ In 2024 alone so far, eight journalists have been killed.¹²⁴ The Committee on the Elimination of Racial Discrimination in its 2024 review of Pakistan urged the authorities to "bring into effect the Protection of Journalists and Media Professionals Act 2021 by establishing an independent safety commission."¹²⁵

Recommendations

Amnesty International calls on the Government of Pakistan to:

- Amend laws restricting the right to freedom of expression, including the Pakistan Electronic Media Regulatory Authority Ordinance and the Prevention of Electronic Crimes Act, and bring the laws in line with international human rights law, including Pakistan's obligations under Article 19 of the Covenant.

¹¹² Amnesty International, "Pakistan: Authorities must show restraint and lift internet restrictions immediately", 11 May 2023,

<https://www.amnesty.org/en/latest/news/2023/05/pakistan-authorities-must-show-restraint-and-lift-internet-restrictions-immediately>

¹¹³ Pakistan, Constitutional (Twenty-Fifth Amendment) Act, 2018, May 2018, https://www.senate.gov.pk/uploads/documents/1528343985_133.pdf.

¹¹⁴ Aaj News, "Internet shutdown in Swat continues for fourth week as militants make presence felt", 8 October 2022,

<https://english.aaj.tv/news/30299846/internet-shutdown-in-swat-continues-for-fourth-week-as-militants-make-presence-felt>

¹¹⁵ The News International, "Mobile internet suspended in six districts of Balochistan," July 21, 2018, <https://www.thenews.com.pk/print/344484-mobile-internet-suspended-in-six-districts-of-balochistan>

¹¹⁶ Arab News, "After 10 days of shutdown, authorities in Balochistan restore mobile Internet service in Gwadar", 5 January 2023,

<https://www.arabnews.pk/node/2226991/pakistan>

¹¹⁷ Amnesty International, "Pakistan: Repeated punitive crackdowns on Baloch protests must end", 30 July 2024,

<https://www.amnesty.org/en/latest/news/2024/07/pakistan-repeated-punitive-crackdowns-on-baloch-protests-must-end>

¹¹⁸ Dawn, "Pemra suspends TV channel 24NewsHD's licence", 4 July 2020, <https://www.dawn.com/news/1566940>

¹¹⁹ Voice of America, "Pakistan Suspends TV Channel Critical of Government", 8 August 2022, <https://www.voanews.com/a/pakistan-suspends-tv-channel-critical-of-government/6693898.html>

¹²⁰ AP News, "Pakistan bans media broadcasts of ex-PM Imran Khan speeches", 6 March 2023, <https://apnews.com/article/pakistan-media-ban-broadcasts-imran-khan-9791b58955e5f30065efe4fca38bf9fc>

¹²¹ Guardian, "I literally cannot say Imran Khan's name on Pakistani TV – this madness has to end", 21 June 2023,

<https://www.theguardian.com/commentisfree/2023/jun/21/imran-khan-pakistan-tv-prime-minister-army>

¹²² Arab News, "Pakistani media regulator bans TV channels from airing news on ongoing court cases", 22 May 2023,

<https://www.arabnews.com/node/2515061/pakistan>

¹²³ Amnesty International, "Pakistan: Escalating Attacks on Journalists", 3 June 2021, <https://www.amnesty.org/en/latest/news/2021/06/pakistan-escalating-attacks-on-journalists-2>

¹²⁴ Voice of American, "Journalist deaths in Pakistan reach 8, trending toward record year", 18 July 2024, <https://www.voanews.com/a/journalist-deaths-in-pakistan-reach-8-trending-toward-record-year-/7703358.html>

¹²⁵ CERD, Concluding observations: Pakistan, 2024 (previously cited), para. 14.

- Repeal criminal defamation laws contained in the Prevention of Electronic Crimes Act and Sections 499 and 500 of the Pakistan Penal Code and bring them in conformity with Pakistan’s international human rights obligations.
- Immediately lift the ban on social media platforms, including X, and ensure uninterrupted access to digital platforms and internet services by amending Section 37 of the Prevention of Electronic Crimes Act in line with international human rights standards and de-notifying the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021.
- Establish the Commission for the Protection of Journalists and Media Professionals under the Protection of Journalists and Media Professionals Act 2021 and providing meaningful protection and safety measures to journalists.

6. RIGHT TO PRIVACY (ARTICLE 17)

Pakistan has continued to expand its digital surveillance regime in the absence of transparency or a data protection legal framework. The Personal Data Protection Bill has been pending with the Ministry of Information Technology and Telecommunications for several years, and the latest public draft gives wide powers to the federal government to make exemptions¹²⁶ and imposes onerous data localization provisions.¹²⁷ The laws that do exist regarding surveillance are routinely bypassed. In July 2024, the government issued a notification authorizing the Inter-Services Intelligence (ISI) to conduct surveillance in the name of “national security”. The notification was issued under Section 54(1) of the Pakistan Telecommunication (Re-Organization) Act 1996 which gives wide powers to authorize any person “to intercept calls and messages or to trace calls through any telecommunication system” either “in the interest of national security or in the apprehension of any offence”.¹²⁸ These wide powers are partly narrowed by the Investigation for Fair Trial Act 2013, which requires warrants after approval from the Ministry of Interior and judicial oversight. However, the Act allows for warrants to be issued ‘in chamber’ without a public hearing.¹²⁹ During Pakistan’s 2017 review, the HRC was concerned with sections of the Prevention of Electronic Crimes Act 2016 allowing for “mandatory mass retention of traffic data by service providers for a minimum of one year... [and] the sharing of information and cooperation with foreign governments without judicial authorization or oversight.”¹³⁰ No amendments to address these issues have been made to the Act since.

Journalists, human rights defenders and critics of the incumbent governments are particularly vulnerable to being targeted by the state’s surveillance through communications interception, particularly wiretapping.¹³¹ In 2018, Amnesty International documented the use of spyware technologies to target civil society activists in the country.¹³² Amnesty International’s investigation in 2023 also found that the Pakistan government has purchased surveillance products associated with Predator spyware raising concerns about the ability of the government and intelligence agencies to unlawfully interfere with the privacy, family, home or correspondence of individuals or groups within Pakistan.¹³³

The government has greatly enhanced its mass surveillance capacity in the last six years. In 2019, Pakistan installed a web monitoring system allowing for Deep Packet Inspection (DPI) increasing the

¹²⁶ Pakistan, Draft of the Personal Data Protection Bill, May 2023,

<https://moitt.gov.pk/SitelImage/Misc/files/Final%20Draft%20Personal%20Data%20Protection%20Bill%20May%202023.pdf>.

¹²⁷ Express Tribune, “AIC exposes flaws in digitalisation laws”, 2 August 2024, <https://tribune.com.pk/story/2484833/aic-exposes-flaws-in-digitalisation-laws>

¹²⁸ Pakistan, Pakistan Telecommunication (Re-Organization) Act, Act No. XVII, 1996, section 54, Chapter VIII

https://www.pta.gov.pk/assets/media/pta_act_consolidated_footnotes_11012022.pdf

¹²⁹ Pakistan, Investigation for Fair Trial Act, 2013, section 9, <https://nacta.gov.pk/wp-content/uploads/2017/09/INVESTIGATION-FOR-FAIR-TRIAL-ACT.2013.pdf>.

¹³⁰ UN HRC, Concluding observations, 2017 (previously cited), para. 35.

¹³¹ Deutsche Welle, “Pakistan: How audio leaks are discrediting politicians”, 10 March 2022, <https://www.dw.com/en/pakistan-how-the-audio-leaks-scandal-has-discredited-politicians/a-63321679>

¹³² Amnesty International, “Pakistan: Authorities must show restraint and lift internet restrictions immediately”, 11 May 2023,

<https://www.amnesty.org/en/latest/news/2023/05/pakistan-authorities-must-show-restraint-and-lift-internet-restrictions-immediately>

¹³³ Amnesty International, “Global: ‘Predator Files’ spyware scandal reveals brazen targeting of civil society, politicians and officials”, 9 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/global-predator-files-spyware-scandal-reveals-brazen-targeting-of-civil-society-politicians-and-officials>

capacity of the government to regulate internet traffic.¹³⁴ In 2024 it was revealed through submissions to the Islamabad High Court that the government had the capacity to surveil up to four million telecommunications users in the country through its Lawful Intercept Management System (LIMS).¹³⁵ The Pakistan government also intends to install a firewall system for monitoring and filtering content, however, there has been no transparency regarding these plans and most discussions have taken place in ‘in-camera’ proceedings.¹³⁶ Amnesty International has noted that such surveillance technologies are incompatible with international human rights standards, particularly undermining online freedom of expression and access to information.¹³⁷

Recommendations

Amnesty International calls on the Government of Pakistan to:

- Pass a data protection law that ensures transparency, accountability, and privacy of data in line with international human rights standards.
- Amend laws granting wide discretionary powers of state surveillance, such the Prevention of Electronic Crimes Act 2016 and the Pakistan Telecommunication (Re-Organization) Act 1996, in line with international human rights law, particularly Article 17 of the Covenant.

7. TREATMENT OF REFUGEES AND ASYLUM SEEKERS (ARTICLES 13 AND 16)

The situation of refugees and asylum seekers in Pakistan is extremely precarious given the lack of national legislation for asylum and other forms of international protection. Pakistan is not a state party to the 1951 Refugees Convention and its 1967 Protocol. The CERD in its 2024 review of Pakistan has recommended that Pakistan “ratify the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol.”¹³⁸ Children born to refugees also do not have a viable path to citizenship despite explicit language in the Citizenship Act 1951 stating that “every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth”.¹³⁹ Subsequent interpretations by the courts have rendered the language in the law inapplicable to refugees of Afghan descent.¹⁴⁰ Despite recommendations from the Committee in 2017 to take expedited steps to ensure “adoption of national refugee law in compliance with international human rights and humanitarian standards”,¹⁴¹ Pakistan has failed to make headway on the draft National Refugee Bill 2023 introduced as a Private Member's Bill in March 2023.¹⁴²

An overwhelming majority of the refugees in the country are from Afghanistan. It is estimated that there are nearly 3.1 million Afghan refugees in the country, 1.4 million of which are registered with the United Nations High Commission for Refugees (UNHCR)¹⁴³ and 800,000 are Afghan Citizen Card (ACC) holders.¹⁴⁴

Refugees can register to remain regularly in Pakistan by obtaining Proof of Registration (PoR) from the UNHCR, however the process is rife with delays and extortion. Amnesty International has documented

¹³⁴ Coda Story, “Pakistan moves to install nationwide ‘web monitoring system’”, 24 October 2019, <https://www.codastory.com/authoritarian-tech/surveillance/pakistan-nationwide-web-monitoring>

¹³⁵ Dawn, “The surveillance system keeping tabs on millions”, 2 July 2023, <https://www.dawn.com/news/1843299>

¹³⁶ The News International, “Only in-camera briefing on firewall, ministry tells Senate panel”, 1 August 2024, <https://www.thenews.com.pk/print/1215487-only-in-camera-briefing-on-firewall-ministry-tells-senate-panel>

¹³⁷ Amnesty International, “Pakistan: Authorities must be transparent about internet disruptions and surveillance tech”, 26 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/pakistan-authorities-must-be-transparent-about-internet-disruptions-and-surveillance-tech>

¹³⁸ UN CERD, Concluding observations: Pakistan, 2024 (previously cited), para. 32.

¹³⁹ Pakistan, The Pakistan Citizenship Act, Act No. II, 1951, <https://punjabcode.punjab.gov.pk/uploads/articles/the-pakistan-citizenship-act-1951-doc-pdf.pdf>, section 4.

¹⁴⁰ Peshawar High Court, *Ghulam Sanai v The Assistant Director, National Registration Office*, PLD 1999 Peshawar 18, 1998.

¹⁴¹ UN HRC, Concluding observations: Pakistan, 2017 (Previously cited), para. 46.

¹⁴² Pakistan, National Refugee Bill, 2023, https://na.gov.pk/uploads/documents/642a741e1c041_286.pdf.

¹⁴³ Amnesty International, “Pakistan: One-year extension of UN-registered Afghan refugees a welcome first step, lifeline must extend to all”, 11 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/pakistan-one-year-extension-of-un-registered-afghan-refugees-a-welcome-first-step-lifeline-must-extend-to-all>

¹⁴⁴ Ministry of States and Frontier Regions, *Year Book 2022-2023*, <https://safron.gov.pk/Sitelimage/Downloads/Year%20Book%202022-23.pdf>, p. 16.

that refugees have to wait up to months, if not years, to obtain documentation.¹⁴⁵ The Pakistan government also issued ACCs in 2017, valid until 31 November 2019.¹⁴⁶ The lack of mechanisms to renew these ACCs has left card holders in a precarious situation as they are unable to obtain bank accounts, formal employment, or an education, vulnerable to harassment by law enforcement and under immanent risk of forced return. Afghan refugees in Pakistan are regularly subject to harassment and arbitrary detention by law enforcement agencies under the Foreigners Act, 1946 which criminalizes illegal entry into Pakistan and effectively renders the status of most refugees illegal.¹⁴⁷

The Pakistani authorities announced¹⁴⁸ on 3 October 2023 that all ‘undocumented’ refugees will be deported from the country after 1 November 2023 under the ‘Illegal Foreigners’ Repatriation Plan’ in violation of the principle of non-refoulement, particularly given the threats that women, girls, human rights defenders, journalists, female protestors, artists, and former government officials face under the de facto Taliban government. In the lead up to the deadline, refugees were subject to arbitrary detention, arrests, evictions and harassment at the hands of the authorities. 49 detention centers (also referred to as “holding” or “transit” centers) were set up and detainees were deprived of the right to a lawyer or communication with family members in violation of right to liberty and a fair trial.¹⁴⁹ Despite a legal challenge at the Supreme Court,¹⁵⁰ more than 694,184 refugees have returned to Afghanistan, many in violation of the principle of non-refoulement.¹⁵¹

In April 2024, the government announced plans to start deporting ACC holders as part of phase two of its Plan.¹⁵² Deportations have not yet commenced, but refugees live in constant fear. In July 2024, the government extended the validity of Proof of Registration (PoR) cards for one year, however in the absence of a framework for granting rights to refugees, the long-term future of PoR holders remains uncertain.¹⁵³

Recommendations

Amnesty International calls on the Government of Pakistan to:

- Immediately stop the arbitrary arrests, detentions and harassment of Afghan refugees, reverse the decision to forcibly return refugees and formally suspend the ‘Illegal Foreigners Repatriation Plan’ in line with Pakistan’s international legal obligations including the principle of non-refoulement.
- Create well-resourced and accessible pathways for the registration of refugees, taking proactive measures to expedite the registration of refugees particularly at risk, including but not limited to women and girls, journalists, and those belonging to minority and ethnic communities, and those facing barriers due to gender, disability, language, among others.
- Fulfil Pakistan’s international human rights obligations including under the Covenant and the Convention Against Torture 1984 by respecting the absolute prohibition to return anyone, including Afghan refugees, to a country where they would be at real risk of being subjected to torture or other serious human rights violations.
- Ratify the 1951 Refugees Convention and its 1967 Protocol.

¹⁴⁵ Amnesty International, “Pakistan: Government must stop harassing and arbitrarily arresting Afghans seeking refuge”, 20 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/pakistan-government-must-stop-harassing-and-arbitrarily-arresting-afghans-seeking-refuge>

¹⁴⁶ Commissionerate for Afghan Refugees Punjab, “Afghan Citizen Card”, https://car.punjab.gov.pk/afghan_citizen_card

¹⁴⁷ Amnesty International, “Pakistan: Government must stop harassing and arbitrarily arresting Afghans seeking refuge”, 20 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/pakistan-government-must-stop-harassing-and-arbitrarily-arresting-afghans-seeking-refuge>

¹⁴⁸ Amnesty International, “Pakistan: Government must not deport Afghan Refugees”, 4 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/pakistan-government-must-not-deport-afghan-refugees>

¹⁴⁹ Amnesty International, “Pakistan: Halt mass detentions and deportations of Afghan refugees”, 10 November 2023, <https://amnesty.ca/human-rights-news/pakistan-halt-mass-detentions-and-deportations-of-afghan-refugees>

¹⁵⁰ Dawn, “Afghan children born in Pakistan entitled to citizenship, says new plea”, 1 December 2023, <https://www.dawn.com/news/1794097>

¹⁵¹ United Nations High Commission for Refugees and UN International Organization for Migration, *UNHCR-IOM FLASH UPDATE #26*, 18 August 2024, <https://pakistan.iom.int/sites/g/files/tmzbd1121/files/documents/2024-08/unhcr-iom-flash-update-26.pdf>

¹⁵² Amnesty International, “Pakistan: Government must stop ignoring global calls to halt unlawful deportation of Afghan refugees”, 4 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/pakistan-government-must-halt-deportation-of-afghan-refugees>

¹⁵³ Amnesty International, “Pakistan: One-year extension of UN-registered Afghan refugees a welcome first step, lifeline must extend to all”, 11 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/pakistan-one-year-extension-of-un-registered-afghan-refugees-a-welcome-first-step-lifeline-must-extend-to-all>

- Develop a comprehensive national legal framework for asylum and other forms of international protection in line with international refugee law and amend the Foreigners Act to prevent penalization of refugees entering Pakistan.
- Consider all Afghan women and girls fleeing Afghanistan as prima facie refugees under the 1951 Refugee Convention and 1967 Protocol, due to the persecution they risk because of their sex and gender.

8. MILITARY TRIALS (ARTICLES 7, 9, 10, AND 14)

Military courts, established under the Army Act 1952, have been used to try civilians in violation of their rights to fair trial and liberty. The Committee noted concern about military trials in 2017 as “some 90 per cent of convictions are based on confessions; that the criteria used for the selection of cases to be tried by these courts [was] not clear”.¹⁵⁴ During the reporting period, Pakistan has continued the unlawful use of military courts to try civilians for their political participation, expression and dissent in Pakistan.¹⁵⁵ During these summary trial processes prisoners have little access to legal representation or appeal and are denied the right to a trial by an independent judicial body. Military trials have taken place in secrecy and with little transparency.

Pakistan has a history of employing military courts to try civilians. In 1981 a constitutional amendment (Article 212-A) allowed for the establishment of military tribunals for the trial of a wide range of civil and criminal offences under martial law administration, and powers to sentence civilians to imprisonment for participating in political activities.¹⁵⁶ Military courts were again institutionalized by the twenty-first and twenty-third Constitutional Amendments, respectively in 2015 and 2017.¹⁵⁷ The twenty-third Amendment lapsed due to a ‘sunset clause’ of 2 years on 30 March 2019. Amnesty International, however, has documented the continued trial of civilians through military trials without any constitutional cover, including of Idris Khattak who was forcibly disappeared on 13 November 2019. The Ministry of Defence confirmed on 16 June 2020, that Idris Khattak was in their custody. He was tried in a secret military court under the Official Secrets Act 1923 and given a 14-year prison sentence in 2021.¹⁵⁸ He remains under unlawful military detention.

The trial of civilians by military courts is a violation of Article 14 of the Covenant as they are conducted in complete secrecy, provide limited access to counsel or opportunity to prepare a defence, and allow for virtually no right to appeal. These trials amount to summary trials. The International Commission of Jurists found that military trials had conviction rate of 99.2% and a significant majority of those convicted were given a death sentence in the period between 2015 and 2019.¹⁵⁹ During Pakistan’s last review by the Committee, it was recommended that the country “review the legislation relating to the military courts with a view to abrogating their jurisdiction over civilians and their authority to impose the death penalty” and “reform the military courts to bring their proceedings into full conformity with articles 14 and 15 of the Covenant in order to ensure a fair trial.”¹⁶⁰

105 protesters who took part in the 9 May 2023 protests were abducted, detained in military custody and tried by military courts.¹⁶¹ Those abducted have been given little access to meaningful legal counsel and subject to forced confessions. 20 of those detained were released after allegedly serving

¹⁵⁴ UN HRC, Concluding observations: Pakistan, 2017 (Cited previously), para. 23.

¹⁵⁵ Amnesty International, “Pakistan: Civilians must not be tried under military laws”, 16 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/pakistan-civilians-must-not-be-tried-under-military-laws>

¹⁵⁶ Amnesty International, *PAKISTAN: Human rights violations and the decline of the rule of law*, May 1981, <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa330241981en.pdf>, p. 12.

¹⁵⁷ Pakistan, The Constitution of the Islamic Republic of Pakistan, 14 August 1973.

¹⁵⁸ Amnesty International, “Pakistan: Further information: Muhammad Idris Khattak in prison after secret military trial” (Index: ASA 33/5170/2022), 18 January 2022, <https://www.amnesty.org/en/documents/asa33/5170/2022/en>

¹⁵⁹ International Commission of Jurists, *Military Injustice in Pakistan*, January 2019, <https://www.icj.org/wp-content/uploads/2019/01/Pakistan-military-courts-Advocacy-Analysis-brief-2018-ENG.pdf>, p. 4.

¹⁶⁰ UN HRC, Concluding observations: Pakistan, 2017 (previously cited), para. 24.

¹⁶¹ Amnesty International, “Pakistan: Civilians must not be tried under military laws”, 16 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/pakistan-civilians-must-not-be-tried-under-military-laws>

their sentence in March 2024, after the Supreme Court conditionally allowed military courts to announce their reserved judgements in the cases.¹⁶² 85 protesters remain in custody.¹⁶³

Recommendations

Amnesty International calls on the Government of Pakistan to:

- Immediately suspend all military trials of civilians, present all civilians currently under trial by military courts in front of relevant criminal courts and all those under trial be given access to fair trial rights guaranteed under international human rights law.
- Commute sentences of all those serving convictions passed by military courts and, if deemed necessary by independent criminal prosecutors, present them in front of relevant criminal courts for an immediate and open trial that meets international fair trial standards and Pakistan's obligations under the Covenant.
- Pending suspension of military trials of civilians, take effective measures to ensure that all military trials meet international fair trial standards.
- Amend the Army Act, particularly sections 2 and 59, to ensure no trial of civilians take place by military courts

9. ENFORCED DISAPPEARANCES (ARTICLES 2, 6, 7, 9, 14 AND 16)

The Pakistan authorities have failed to curb the practice of enforced disappearances as they continue unabated, particularly in Balochistan and Khyber Pakhtunkhwa. The Government's Commission of Inquiry on Enforced Disappearances reported in January 2024 that it has recorded a total of 10,078 cases of enforced disappearances since 2011, with 3,485 and 2,752 from the provinces of Khyber Pakhtunkhwa and Balochistan respectively.¹⁶⁴ Further, the Commission stated that it has received 197 cases in the first half of 2024 alone.¹⁶⁵ The Defence of Human Rights (DHR), an NGO working on enforced disappearances, recorded 3,120 cases by the end of 2023.¹⁶⁶ Between 2017 and 2024, several cases have been recorded of enforced disappearances of journalists,¹⁶⁷ Baloch women,¹⁶⁸ students,¹⁶⁹ critics,¹⁷⁰ students, political opponents and families of political opponents.¹⁷¹ There has also been a rise in 'short-term' enforced disappearances, a practice in which individuals are disappeared for days, weeks or months before being returned with warnings, either with no charges¹⁷² or subject to trumped up cases upon their return.¹⁷³

While in its replies to the list of issues on 28 March 2024, the government claimed that there had been a decrease in number of cases received from the UN Working Group on Enforced or Involuntary Disappearances, the military establishment has continued to vilify families of the forcibly disappeared

¹⁶² Dunya, "SC conditionally allows military courts to announce reserved verdicts on civilians' trials", 28 March 2024, <https://dunya.com/news/801415-SC-to-resume-intra-court-appeals-against-civilians-military-court-trial>

¹⁶³ Dawn, "Special report: May 9, mayhem and military trials – a year on", 9 May 2024, <https://www.dawn.com/news/1832439>

¹⁶⁴ Samaa, "Highest number of 3,485 missing persons reported from KP: report", 9 January 2024, <https://www.samaa.tv/208737673-highest-number-of-3-485-missing-persons-reported-from-kp-report>

¹⁶⁵ Dawn, "Missing persons commission logs 197 new cases in 2024 so far", 1 July 2024, <https://www.dawn.com/news/1843174>

¹⁶⁶ Dawn, "51 more enforced disappearances in 2023 bring overall figure to 3,120: report", 30 December 2023, <https://www.dawn.com/news/1801905>

¹⁶⁷ Amnesty International, "Pakistan: YouTuber and TV anchor forcibly disappeared: Imran Riaz Khan" (Index: ASA 33/6890/2023), 23 June 2023, <https://www.amnesty.org/en/documents/asa33/6890/2023/en>

¹⁶⁸ Amnesty International, "Pakistan: End arbitrary detention of Mahal Baloch" (Index: ASA 33/6562/2023), 23 March 2023, <https://www.amnesty.org/en/documents/asa33/6562/2023/en/>

¹⁶⁹ Amnesty International, "Annual Report: Pakistan 2023", <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan>

¹⁷⁰ Amnesty International, "Journalist and poet abducted in Pakistan: Ahmad Farhad" (Index: ASA 33/8072/2024), 23 May 2024, <https://www.amnesty.org/en/documents/asa33/8072/2024/en>

¹⁷¹ Amnesty International, "Pakistan: Disappearances of family members of politicians: Mazhar-ul-Hassan, Zahoor-ul-Hassan, and Ghulam Shabbir" (Index: ASA 33/8255/2024), 3 July 2024, <https://www.amnesty.org/en/documents/asa33/8255/2024/en>

¹⁷² International Commission of Jurists, Entrenching Impunity, Denying Redress: The Commission of Inquiry on Enforced Disappearances in Pakistan: A Briefing Paper, September 2020, <https://www.icj.org/wp-content/uploads/2020/09/Pakistan-Commission-of-Inquiry-Advocacy-Analysis-Brief-2020-ENG.pdf>, p. 4.

¹⁷³ Amnesty International, "Pakistan: Journalist and poet faces charges after abduction: Ahmad Farhad" (Index: ASA 33/8257/2024), 3 July 2024, <https://www.amnesty.org/en/documents/asa33/8257/2024/en>

by referring to them as ‘proxies’ for so-called ‘terrorists’ and clamping down on protests by families¹⁷⁴ through excessive use of force,¹⁷⁵ which has included firing of live ammunition resulting in deaths tear gas and batons.¹⁷⁶

There is no law criminalizing enforced disappearances in the country and Pakistan has not signed onto the International Convention for the Protection of All Persons from Enforced Disappearances. There has been no follow up to the proposed Criminal Laws (Amendment) Bill 2021 which sought to add criminal offences to the PPC to criminalize enforced disappearances despite recommendations by human rights groups, including Amnesty International,¹⁷⁷ to strengthen the provisions in line with international human rights law. Further, progress on any law has succumbed to pressure from the military.¹⁷⁸ On 2 August 2024, the government approved a financial package of 5 million rupees (US\$ 17,925) per family of enforced disappeared individuals, however no mechanism of deciding which families will be compensated was announced.¹⁷⁹

Recommendations

Amnesty International calls on the Government of Pakistan to:

- End the practice of enforced disappearance and arbitrary detention, and immediately disclose the fate and whereabouts of forcibly disappeared people to their families.
- Ensure that prompt, thorough, independent, impartial, transparent and effective criminal investigations are conducted into all allegations of enforced disappearances. Where sufficient admissible evidence exists, prosecute those suspected of criminal responsibility, including those suspected of ordering, planning, abetting and assisting enforced disappearances, before civilian courts in proceedings that conform to international fair trial standards and without recourse to the death penalty.
- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation and fully and effectively implement its provisions in domestic law.
- Enact legislation on enforced disappearances that conforms to international human rights law and best practices, and hold meaningful consultations with activists, civil society, and families of the forcibly disappeared on the proposed legal amendments to the draft bill on enforced disappearances.
- Ensure victims and families of forcibly disappeared people are provided with access to justice and full and effective protection, redress and reparations to address any hardships they have endured, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

¹⁷⁴ Amnesty International, *Pakistan: Braving the Storm: Enforced disappearances and the right to protest in Pakistan* (Index: ASA 33/5872/2022), 11 August 2022, <https://www.amnesty.org/en/documents/asa33/5872/2022/en>

¹⁷⁵ Amnesty International, “Pakistan: Amnesty International condemns harassment faced by Baloch protestors in Islamabad”, 24 January 2024, <https://www.amnesty.org/en/latest/news/2024/01/pakistan-amnesty-international-condemns-harassment-faced-by-baloch-protestors-in-islamabad>

¹⁷⁶ Dawn, “Following outcry over police action on Baloch protesters, govt says all women and children have been released”, 21 December 2023, <https://www.dawn.com/news/1799633>

¹⁷⁷ Amnesty International, “Pakistan: Amendments to enforced disappearance bill a backward step on promised reform”, 7 October 2021, <https://www.amnesty.org/en/latest/news/2021/10/pakistan-amendments-to-enforced-disappearance-bill-a-backward-step-on-promised-reform>

¹⁷⁸ Dawn, “Missing persons bill has gone ‘missing’, says Shireen Mazari”, 3 January 2021, <https://www.dawn.com/news/1667443>

¹⁷⁹ Arab News, “Pakistan approves financial compensation for families of ‘missing persons’ after decade-long effort”, 2 August 2024, <https://www.arabnews.pk/node/2561336/pakistan>

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