



ASIAN LEGAL RESOURCE CENTRE

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**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC
And
Asian Legal Resource Centre,
NGO in General Consultative Status with ECOSOC**

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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 Asia Legal Resource Centre (ALRC) is a regional human rights organisation founded in 1986. The ALRC works towards the radical rethinking and fundamental redesigning of justice institutions in Asia, to ensure relief and redress for victims of human rights violations, as per Common Article 2 of the International Conventions. Sister organisation to the Asian Human Rights Commission, the ALRC is based in Hong Kong and holds General Consultative Status with the Economic and Social Council of the United Nations.
- 1.3 In this submission, the authors examine the Government of Pakistan's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Pakistan's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2017. To this end, we assess Pakistan's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.4 During the 3rd UPR cycle, the Government of Pakistan received 14 recommendations relating to the space for civil society (civic space). Of these recommendations, five were accepted and nine were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Pakistan has partially implemented three recommendations and not implemented all the others. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination. Acute implementation gaps were found with regard to the rights to the freedoms of association, peaceful assembly and expression.
- 1.5 We are deeply concerned by barriers for CSOs to register and operate as well as criminalisation, threats and harassment of HRDs and the failure to hold perpetrators to account.
- 1.6 We are further alarmed by efforts to intimidate and censor journalists and media outlets, the criminalisation of online expression and restrictions and attacks on peaceful protests, especially by ethnic Pashtun minorities and women's rights activists.

1.7 As a result of these issues, civic space in Pakistan is currently classified as 'repressed' by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.¹

- Section 2 of this submission examines Pakistan's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Pakistan's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Pakistan's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression and media freedom.
- Section 5 examines Pakistan's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- An annex on the implementation of 3rd cycle UPR recommendations related to civic space is in Section 7.

2. Freedom of association

2.1 During Pakistan's examination under the 3rd UPR cycle, the government did not receive any recommendations on the right to the freedom of association and creating an enabling environment for CSOs. However, as evidenced below, there are ongoing concerns about restrictions related to the freedom of association in law and policy, faced by both national and international CSOs operating in Pakistan.

2.2 Article 17 of Pakistan's Constitution guarantees the right to the freedom of association.² Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a state party, also guarantees the freedom of association. However, despite these commitments, CSOs are subject to extensive regulation involving multiple and lengthy procedures of registration, security clearances and approvals for funding.³ CSOs are often subject to intrusive

¹ CIVICUS Monitor: Pakistan, <https://monitor.civicus.org/country/pakistan>.

² 'The Constitution of The Islamic Republic of Pakistan', 28 February 2012, https://na.gov.pk/uploads/documents/1333523681_951.pdf.

³ 'Closing Civic Space in Pakistan' in the South Asia State of Minorities Report 2020, November 2020, The South Asia Collective, <https://thesouthasiacollective.org/wp-content/uploads/2020/12/SASM2020-Pakistan.pdf>.

registration requirements and vetting by military intelligence.⁴

- 2.3** In 2013, the Ministry of Economic Affairs introduced the ‘Policy for Regulation of Organizations Receiving Foreign Contributions’. According to this policy, all CSOs that receive or intend to receive foreign economic assistance are required to register and sign a Memorandum of Understanding (MOU) with the government.⁵ However, in February 2022, the Sindh High Court declared that the policy was of no legal effect as the federal government did not take any steps to legislate for it.⁶
- 2.4** Under a new Economic Affairs Division (EAD) Policy 2021, CSOs are required to obtain an MOU from the EAD and share information related to every project and donor with the EAD or face refusal for funding clearance by bank authorities. CSOs also face various barriers in operating. At both the federal and provincial levels the authorities require domestic CSOs to obtain a Non-Objection Certificate (NOC) before accepting foreign funding, booking facilities, using university spaces for events, or working on human rights matters. The government has often denied requests for NOCs, and critical CSOs face regular government monitoring and harassment.⁷
- 2.5** Local CSOs raised concerns in early March 2018 over a growing government crackdown on the aid sector. Pakistan’s government slapped punitive taxes on CSOs and threatened to shut down international organisations that do not meet opaque new registration requirements.⁸ In February 2019, it was reported that the government had rejected the applications of 42 CSOs to register, most of which work on social-economic development, due to objections raised by government agencies, including the intelligence agency.⁹
- 2.6** International non-governmental organisations (INGOs) are regulated by a 2015 policy that human rights groups have found to be severely restrictive, and which can

⁴ ‘Pakistan’, Freedom House, 2022, <https://freedomhouse.org/country/pakistan/freedom-world/2022>.

⁵ ‘Pakistan’, International Center for Not-for-Profit Law, 10 April 2022, <https://www.icnl.org/resources/civic-freedom-monitor/pakistan>.

⁶ ‘Policy for NGOs getting foreign funding declared ‘of no legal effect’’, Dawn, 1 February 2022, <https://www.dawn.com/news/1672606>.

⁷ ‘Pakistan 2021: Country Reports on Human Rights Practices’, US Department of State, March 2022, https://www.state.gov/wp-content/uploads/2022/03/313615_PAKISTAN-2021-HUMAN-RIGHTS-REPORT.pdf.

⁸ ‘Pashtun protests continue despite pressure from authorities’, CIVICUS Monitor, 1 May 2018, <https://monitor.civicus.org/updates/2018/05/01/pashtun-protests-continue-despite-pressure-authorities>.

⁹ ‘Civil society groups denied registration while journalists and activists are being silenced’, CIVICUS Monitor, 1 March 2019, <https://monitor.civicus.org/updates/2019/03/01/civil-society-groups-denied-registration-while-journalists-and-activists-are-being-silenced>.

be used for political reasons to target critical organisations or individuals.¹⁰ All foreign aid and advocacy organisations have to register and obtain an MOU with the government. The online registration protocol for INGOs makes the process for obtaining registration laborious, non-transparent and extremely challenging for many INGOs. Organisations have been subject to constant investigation and harassment by the security apparatus and other government offices during and after the registration process. INGOs have faced additional barriers to fundraising, opening bank accounts and obtaining tax-exempt status from the Federal Board of Revenue, as well as visa denials for international staff and consultants.¹¹

2.7 In October 2018, the authorities ordered 18 INGOs to shut down operations and leave the country. The INGOs had appealed against expulsion orders issued in late 2017 after their reregistration applications were rejected.¹² In December 2018, Pakistan expelled the 18 INGOs from the country after their final appeals were rejected.

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Pakistan's previous UPR examination, the government received nine recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to several relevant recommendations including to 'implement measures to protect the right to life and freedom of expression of journalists and human rights defenders' and 'investigate all reports of attacks on journalists and human rights defenders and bring the perpetrators to justice'. Of the recommendations received, four were accepted¹³ and five were noted.¹⁴ However, as examined in this section, the government has failed to operationalise these recommendations effectively and has partially implemented only three recommendations.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further

¹⁰ 'Pakistan: Withdraw Repressive New NGO Rules', Human Rights Watch, 6 October 2015, <https://www.hrw.org/news/2015/10/06/pakistan-withdraw-repressive-new-ngo-rules>.

¹¹ US Department of State, March 2022, op. cit.

¹² 'Civil society says shutting down of international NGOs an 'attack on civic freedoms' CIVICUS Monitor, 17 October 2018, <https://monitor.civicus.org/updates/2018/10/17/civil-society-says-shutting-down-international-ngos-attack-civic-freedoms>.

¹³ Recommendations: 152.173; 152.174; 152.175 and 152.176 in Report of the Working Group on the Universal Periodic Review (A/HRC/37/13/Add.1), Human Rights Council, 16 February 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/043/40/PDF/G1804340.pdf?OpenElement>.

¹⁴ Recommendations: 152.171; 152.177; 152.178; 152.180 and 152.181, Ibid.

guarantees the freedoms of association, peaceful assembly and expression. However, in spite of these protections the criminalisation, harassment and intimidation of HRDs and journalists, as well as attacks and surveillance, have been documented.

- 3.3** HRDs face systematically judicial harassment from the state. Woman HRD (WHRD) Gulalai Ismail was forced to leave the country in September 2019 after she was investigated for defamation, sedition and other charges under Pakistan's Anti-Terrorism Act for speaking up over the rape and murder of a girl. She had also been detained in February 2019 outside the National Press Club in Islamabad while taking part in a protest to denounce the killing of a Pashtun activist.¹⁵
- 3.4** The authorities have also targeted Gulalai's parents, Muhammed and Uzlifat Ismail, since July 2019. Muhammad Ismail, a human rights activist, is facing allegations of cybercrime and trumped-up charges related to sedition and conspiracy, as well as charges under the Anti-Terrorism Act. He was arbitrarily detained in October 2019 for more than a month and spent more than two months in detention again between February and April 2021. His trial has continued since. In September 2021, the UN Working Group on Arbitrary Detention concluded that Muhammad Ismail was targeted for his human rights work and that his detention was in contravention of international human rights standards.¹⁶
- 3.5** HRDs and journalists have also faced various forms of harassment and intimidation. Gul Bukhari, a senior journalist known for her outspoken criticism of the military, was abducted by unidentified men in June 2018 as she was on her way to record a TV programme for Waqt News. On the same night, the car of BOL TV broadcast journalist Asad Kharal was intercepted by masked men near Lahore airport. He was taken out of the car and beaten. Kharal has been critical of the former ruling party and has reported on corruption.¹⁷
- 3.6** In April 2018, two armed men broke into the house of Maryam Hasan in Lahore and questioned Hasan about her profession and intimidated her. She was the editor of an annual report by the Human Rights Commission of Pakistan, a leading CSO. The report was released a few days before the attack.¹⁸

¹⁵ 'Pakistan: Killing of Mr. Ibrahim Arman Loni & arbitrary detention of Ms. Gulalai Ismail and several PTM members', International Federation For Human Rights, 14 February 2019, <https://www.fidh.org/en/issues/human-rights-defenders/pakistan-killing-of-mr-ibrahim-arman-loni-arbitrary-detention-of-ms>.

¹⁶ 'Pakistan: Chronology of harassment against human rights defender Muhammad Ismail', CIVICUS, 1 April 2021, <https://www.civicus.org/index.php/media-resources/news/5018-pakistan-chronology-of-harassment-against-human-rights-defender-muhammad-ismail>.

¹⁷ Blatant attempts to manipulate elections and assault civic freedoms, says Pakistani civil society, CIVICUS Monitor, 23 July 2018, <https://monitor.civicus.org/updates/2018/07/23/blatant-attempts-manipulate-elections-and-assault-civic-freedoms-says-pakistani-civil-society>.

¹⁸ CIVICUS Monitor, 1 May 2018, op. cit.

- 3.7** In October 2021, Reporters Without Borders reported on a violent smear and hate campaign against Asma Shirazi, who writes a weekly column for BBC's Urdu-language service. The attacks came from online supporters of the former ruling Pakistan Tehreek-e-Insaf party at the government's instigation.¹⁹
- 3.8** Surveillance and cyber harassment against activists and journalists have also been documented. A report by Amnesty International, released in May 2018, showed that attackers were using fake online identities and social media profiles to target Pakistani HRDs online and mark them out for surveillance and cybercrime.²⁰ In August 2020, a group of Pakistani women journalists issued a statement denouncing a cyber-harassment campaign against them by government officials and supporters. The statement condemned a 'well-defined and coordinated campaign' of social media attacks on women journalists and commentators whose views and reporting have been critical of the government and 'more specifically its handling of the coronavirus pandemic'.²¹
- 3.9** Political activists and HRDs have also been the target of enforced disappearances. The UN Working Group on Enforced or Involuntary Disappearance has more than 700 cases pending from Pakistan. Muhammad Idris Khattak, a prominent HRD, was forcibly disappeared from Khyber Pakhtunkhwa province by men in plainclothes on 13 November 2019.²² Nearly seven months later, in June 2020, the Ministry of Defence finally admitted that Khattak was being held in state custody. In August 2020, UN human rights experts highlighted the government's failure to fully investigate the case.²³ In December 2021, it was reported that a military court had sentenced Khattak to 14 years of 'rigorous imprisonment' on charges of espionage after anonymous sources claimed he had provided sensitive information to a

¹⁹ 'Pakistani journalists, activists remain at risk while new restrictions against online dissent passed', CIVICUS Monitor, 3 March 2022, <https://monitor.civicus.org/updates/2022/03/03/pakistani-journalists-activists-remain-risk-while-new-restrictions-against-online-dissent-passed>.

²⁰ Attackers use cleverly designed fake profiles to lure activists and then attack their electronic devices with spyware, exposing them to surveillance and fraud and even compromising their physical safety. See 'Pakistan: Campaign of hacking, spyware and surveillance targets human rights defenders', Amnesty, 15 May 2018, <https://www.amnesty.org/en/latest/news/2018/05/pakistan-campaign-of-hacking-spyware-and-surveillance-targets-human-rights-defenders>.

²¹ 'Activists and journalists facing harassment, being forcibly disappeared or killed in Pakistan', CIVICUS Monitor, 21 August 2020, <https://monitor.civicus.org/updates/2020/08/21/activists-and-journalists-facing-harassment-being-forcibly-disappeared-or-killed-pakistan>.

²² 'Activists disappeared or arrested in Pakistan while media faces restrictions and threats', CIVICUS Monitor, 8 January 2020, <https://monitor.civicus.org/updates/2020/01/08/activists-disappeared-or-arrested-pakistan-while-media-faces-restrictions-and-threats>.

²³ 'Targeting of human rights defenders and enforced disappearances in Pakistan continue', CIVICUS Monitor, 14 December 2020, <https://monitor.civicus.org/updates/2020/12/14/targeting-human-rights-defenders-and-enforced-disappearances-pakistan-continue>.

‘foreign intelligence agency’.²⁴

3.10 Seengar Noonari, Labour Secretary of the Awami Workers Party (AWP), was abducted from his home on 26 June 2021. Fifteen men in plainclothes ransacked his house before blindfolding him and taking him away. The abduction came the day before a National Day of Action was being organised by AWP to protest against alleged illegal land grabs by private property developers.²⁵

3.11 Activists and journalists have also been attacked and killed. Muhammad Zada Agra was shot dead outside his home in Sakhakot by two unidentified gunmen on 8 November 2021, after he spoke out against alleged corruption and drug syndicates in his region. Agra was reportedly running a social media campaign against drug cartels and other criminals in the region before his killing.²⁶

3.12 In May 2021, journalist Asad Ali Toor was assaulted by three unidentified men who forcibly entered his apartment in Islamabad. They bound and gagged Toor and severely beat him. Toor said that they identified themselves as being from a security agency.²⁷

3.13 In April 2021, an unidentified assailant shot and wounded Absar Alam, a senior journalist, outside his house in Islamabad. Alam has been a prominent critic of the government and the military.²⁸

3.14 In October 2018, unidentified gunmen killed journalist Sohail Khan, who worked for local TV channel K2 in Haripur district, Khyber Pakhtunkhwa. The journalist had reported threats against him after an article he published on drug trafficking.²⁹

4. Freedom of expression, media freedom and access to information

4.1 Under the 3rd UPR cycle, the government received four recommendations relating to the freedom of expression, media freedom and access to information.³⁰ For example,

²⁴ CIVICUS Monitor, 3 March 2022, op. cit.

²⁵ ‘Civil society slams harassment of journalists, proposed media law, stifling of protests in Pakistan’, CIVICUS Monitor, 28 September 2021, <https://monitor.civicus.org/updates/2021/09/28/civil-society-slams-harassment-journalists-proposed-media-law-stifling-protests-pakistan>.

²⁶ CIVICUS Monitor, 3 March 2022, op. cit.

²⁷ Ibid.

²⁸ ‘Unrelenting assault on the media and other civic freedoms in Pakistan’, CIVICUS Monitor, 1 July 2021, <https://monitor.civicus.org/updates/2021/07/01/unrelenting-assault-media-and-other-civic-freedoms-pakistan>.

²⁹ CIVICUS Monitor, 17 October 2018, op. cit.

³⁰ Recommendations: 152.170; 152.172; 152.150 and 152.155, Human Rights Council, 16 February 2018, op. cit.

the government pledged to ‘intensify efforts aimed at efficiently safeguarding the freedom of expression’. Of the recommendations received, one was accepted and three were noted. However, as discussed below, the government did not take effective measures to implement these recommendations, and none have been implemented.

- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 19 of the Constitution of Pakistan also guarantees the right to the freedom of speech and expression, including freedom of the press. However, in policy and practice the freedom of expression is widely restricted offline and online.³¹
- 4.3** According to Reporters Without Borders, Pakistan’s media regulators are directly controlled by the government and systematically put defence of the executive branch of government before the public’s right to information. As the military has tightened its grip on civilian institutions, coverage of military and intelligence agency interference in politics has become off limits for journalists.³²
- 4.4** The Committee to Protect Journalists (CPJ) has reported that media owners and editors are aware of the lines they are not allowed to cross. The military has quietly but effectively set restrictions on reporting: from barring access to regions such as Baluchistan where there is armed separatism and religious extremism, to encouraging self-censorship through direct and indirect methods of intimidation, including calling editors to complain about coverage and even allegedly instigating violence against reporters.³³
- 4.5** In April 2019, it was reported that several journalists were placed on a watch list by the Pakistan Federal Investigation Agency’s (FIA) Cybercrime Wing over criticism of Saudi Crown Prince Mohammed Bin Salman during his visit to Pakistan.³⁴ In October 2019, the head of the CPJ’s Asia programme, Steven Butler, was denied entry into Pakistan and deported. A border security official at Lahore’s international airport told Butler that his journalist visa was valid but he was barred from entering Pakistan because his name was ‘on a stop list’ of the Interior Ministry.³⁵

³¹ ‘The Constitution of The Islamic Republic of Pakistan’, op. cit.

³² ‘Pakistan’, Reporters Without Borders, <https://rsf.org/en/country/pakistan>.

³³ CIVICUS Monitor, 17 October 2018, op. cit.

³⁴ ‘Pakistani government monitoring journalists’ social media activity’, International Federation of Journalists, 1 April 2019, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistani-government-monitoring-journalists-social-media-activity.html>.

³⁵ CIVICUS Monitor, 8 January 2020, op. cit.

- 4.6** In June 2021, journalist Hamid Mir, the host of Capital Talk, a current affairs programme which is broadcast every weeknight on Geo News, was taken off air by the channel after saying at a protest that those responsible for recent physical attacks on journalists should be identified.³⁶
- 4.7** The authorities have also systematically suppressed and censored media coverage of the Pashtun Tahafuz Movement (PTM) that has mobilised nationwide over human rights violations against Pashtun people. In December 2018, internet service providers blocked the website of Voice of America's Urdu language service. Its audience was primarily Pashto-speaking communities. An article by Pashtun leader Manzoor Pashteen in the New York Times on 12 February 2019 was censored by its local publisher in Pakistan. Journalists covering protests have also been targeted. Sailaab Mehsud of Radio Free Europe / Radio Liberty's Mashaal radio and Zafar Wazir of a local TV channel were accused in December 2018 by the police of 'raising slogans against state institutions and inciting the public to violence', along with nearly 30 other people. They were covering a PTM rally in Khyber Pakhtunkhwa province.³⁷
- 4.8** Journalists have also been targeted for their critical reporting. Journalist Rizwan Razi was arrested in February 2019 in Lahore over a series of social media posts allegedly critical of the judiciary, government and intelligence services. According to reports, Razi, a TV anchor for Din News, an Urdu-language news station, was detained and arrested by the FIA's Cybercrime Wing for allegedly posting 'defamatory and obnoxious content' on social media.³⁸ In May 2019, journalist Gohar Wazir, who worked for private Satellite TV station Khyber News, was taken into custody by security forces on charges of 'disturbing public order'. He was arrested under the Maintenance of Public Order Ordinance following his reporting on PTM demonstrations.³⁹
- 4.9** In November 2021, the government passed a new Protection of Journalists and Media Professionals Bill, drafted in consultation with journalists' organisations and union groups.⁴⁰ While a positive move, there are concerns about its vaguely worded article 6, which says journalists and media workers must not produce material that

³⁶ CIVICUS Monitor, 1 July 2021, op. cit.

³⁷ 'Pakistan: Joint letter on civic space violations against Pashtuns', CIVICUS, 23 May 2019, <https://www.civicus.org/index.php/media-resources/news/3873-pakistan-joint-letter-on-civic-space-violations-against-pashtuns>.

³⁸ CIVICUS Monitor, 1 March 2019, op. cit.

³⁹ 'Lack of accountability for Pashtun rights protesters killed and injured in North Waziristan', CIVICUS Monitor, 4 July 2019, <https://monitor.civicus.org/updates/2019/07/04/lack-accountability-pashtun-rights-protesters-killed-and-injured-north-waziristan>.

⁴⁰ The law contains various articles to safeguard the rights of every journalist and media professional to the rights of security, privacy, non-disclosure of sources and independence when performing professional duties. It also outlines the formation of a commission for the protection of media workers.

could incite ‘discrimination, hostility or violence’ and media ‘must not engage in the dissemination of material known by such an individual to be false or untrue’.⁴¹

4.10 The Prevention of Electronic Crimes Act (PECA) 2016 is a law that contains broad and vague provisions and disproportionate penalties to criminalise online defamation. The law also grants the Pakistan Telecommunication Authority broad censorship powers to block and remove internet content considered offensive under the Pakistan Penal Code, including content containing indecency, blasphemy, or false information, without providing any definitions. It also provides other agencies with the ability to conduct wide-ranging surveillance.⁴² It has been criticised by CSOs and HRDs for criminalising legitimate forms of expression, including by journalists,⁴³ while citing national security concerns and the protection of majoritarian interpretations of Islam.

4.11 In February 2022, the government enacted amendments to PECA that many activists fear could further stifle dissent. There is a new section that brings ‘fake news’ or ridicule of any person on TV under the category of electronic crime. The amendments expand the definition of a ‘person’ to include government bodies, including the military and judiciary. Under the amendment, any person or organisation found guilty of posting or spreading ‘fake news’ will be jailed for three to five years. Further, people arrested under the law for online public defamation will not have the right to file a bail application during trial. Cases will be supervised by a high court and the trial court will have to conclude the case within six months.⁴⁴ In April 2022, the PECA Amendment Ordinance was deemed unconstitutional by the Islamabad High Court.⁴⁵

4.12 Pakistan’s blasphemy laws, contained in the Penal Code, are overly broad, vague and coercive, enable abuse and violate Pakistan’s international legal obligations to respect and protect human rights, including the freedoms of religion or belief and of opinion and expression. They have long been abused to target minority groups.⁴⁶ In December 2019, university lecturer Junaid Hafeez was sentenced to death on a blasphemy charge. The charges against him included liking an allegedly

⁴¹ ‘Pakistan: Senate passes bill to protect journalists and media professionals’, International Federation of Journalists, 23 November 2021, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-senate-passes-bill-to-protect-journalists-and-media-professionals.html>.

⁴² Freedom House, 2022, op. cit.

⁴³ ‘Criminalizing Online Dissent through Legal Victimization’, Freedom Network, <https://www.fnpc.org/wp-content/uploads/2021/11/FINAL-Impunity-Report-2021.pdf>

⁴⁴ CIVICUS Monitor, 3 March 2022, op. cit.

⁴⁵ ‘IHC strikes down ‘unconstitutional’ PECA amendment ordinance’, Bol News, 8 April 2022, <https://www.bolnews.com/latest/2022/04/ihc-strikes-down-unconstitutional-peca-amendment-ordinance>.

⁴⁶ ‘Pakistan: “As Good as Dead”: The Impact of the Blasphemy Laws in Pakistan’, Amnesty International, 21 December 2016, <https://www.amnesty.org/en/documents/asa33/5136/2016/en>.

blasphemous Facebook page.⁴⁷ In June 2020 an academic, Sajid Soomro, from Shah Abdul Latif University in Sindh province, was charged with blasphemy and sedition. The professor is known to Pakistani authorities for his dissenting views and criticisms of the country's most powerful clerics.⁴⁸ In January 2021, the anti-terrorism court of Islamabad sentenced three men to death for committing blasphemy online. A fourth convict was sentenced to 10 years' imprisonment. They had been accused of running Facebook pages displaying offensive material.⁴⁹

5. Freedom of peaceful assembly

- 5.1 During Pakistan's examination under the 3rd UPR cycle, the government received no recommendations on the right to the freedom of peaceful assembly.
- 5.2 Article 16 of the Pakistan Constitution guarantees the right to the freedom of peaceful assembly. Article 21 of the ICCPR also guarantees this right. However, in practice, the freedom of peaceful assembly is undermined in Pakistan through the disruption of protests and a repressive crackdown on protesters.
- 5.3 A range of national legal instruments concern aspects of assemblies, including the 1860 Pakistan Penal Code, the 1898 Code of Criminal Procedure, the 1960 Maintenance of Public Order and the 2002 Police Order. Authorisation for any assembly is required in writing from the Head of District Police or Assistant or Deputy Superintendent of Police. Spontaneous assemblies are therefore unlawful, although they sometimes occur without police intervention.⁵⁰
- 5.4 Human rights groups have documented numerous restrictions on peaceful assembly.⁵¹ The PTM has been systematically targeted in recent years. Ethnic Pashtuns peacefully protest to call for an end to human rights violations by the authorities against the Pashtun community in the country's tribal regions. Violations include extrajudicial killings and enforced disappearances. They also call for the removal of military checkpoints in tribal areas.
- 5.5 In March 2018 criminal cases were filed against Manzoor Pashteen and other PTM leaders over their protests. In April 2018, ahead of a protest in Lahore, police arrested human rights activists and students. In the same month, military and civilian authorities imposed restrictions ahead of a PTM protest in the Swat Valley.

⁴⁷ CIVICUS Monitor, 8 January 2020, op. cit.

⁴⁸ CIVICUS Monitor, 21 August 2020, op. cit.

⁴⁹ 'Attacks on Aurat March, minorities and critics highlight shrinking space for dissent in Pakistan', CIVICUS Monitor, 2 April 2021, <https://monitor.civicus.org/updates/2021/04/02/attacks-aurat-march-minorities-and-critics-highlight-shrinking-space-dissent-pakistan>.

⁵⁰ 'Pakistan', The Right of Peaceful Assembly, <https://www.rightofassembly.info/country/pakistan>.

⁵¹ 'Curbs on freedom of peaceful assembly: HRCP', Dawn, 18 March 2022, <https://www.dawn.com/news/1680507>.

Locals were pressured to stay away and told they would be included on the official list of Taliban insurgents if they participated. Local printing presses also refused to print campaign posters and many local media outlets refrained from covering the event, allegedly under pressure from the army.⁵²

- 5.6** In May 2018, Pakistani police registered cases against over 150 PTM activists on charges of sedition, terror and other charges for holding rallies in Karachi, while in June 2018, 37 PTM activists, including several students, were detained in Rawalpindi and charged with sedition for participating in protests.⁵³
- 5.7** Arman Loni, a PTM activist and university professor, was arrested on 2 February 2019 in the southwestern district of Loralai after participating in a sit-in demonstration outside Loralai Press Club in Baluchistan. He was later found to have died in custody. More than 80 protesters from PTM were then rounded up by police on 5 February 2019 after they had gathered outside the National Press Club in Islamabad in a peaceful protest condemning Loni's murder. At least 17 PTM members were subsequently charged under the West Pakistan Maintenance of Public Order Act of 1960.⁵⁴ In May 2019, at least three people were killed and more than 15 wounded when soldiers allegedly fired indiscriminately near a PTM protest against enforced disappearances in the north-western Pakistani region of North Waziristan.⁵⁵
- 5.8** Ali Wazir, a lawmaker and PTM leader, was arrested on 16 December 2020 in Peshawar over accusations that he made anti-state comments during a rally in Karachi on 6 December 2020.⁵⁶ On 23 February 2022, the police formally arrested him for another case pertaining to his allegedly delivering provocative speeches against the security establishment. He was formally arrested for a third case for organising a public rally where he allegedly shared slogans and made speeches inciting the public against the state and defaming the security establishment.⁵⁷
- 5.9** There have also been attempts to block or disrupt protests by women human rights activists. Since 2018, the Aurat March – Urdu for Women's March – has been held in many cities across Pakistan to coincide with International Women's Day on 8

⁵² CIVICUS Monitor, 1 May 2018, op. cit.

⁵³ CIVICUS Monitor, 23 July 2018, op. cit.

⁵⁴ CIVICUS Monitor, 1 March 2019, op. cit.

⁵⁵ CIVICUS Monitor, 4 July 2019, op. cit.

⁵⁶ The detained lawmaker was produced in the Anti-Terrorism Court the next day, where the judge remanded him in police custody. The First Information Report registered against Wazir accused him under sections 120-B (criminal conspiracy), 153-A (promoting enmity between different groups), 505-B (statements inducing a person to commit offence against the state), 506 (criminal intimidation) and 188 (disobeying order of public servant) of the Pakistan Penal Code. See CIVICUS Monitor, 2 April 2021, op. cit.

⁵⁷ CIVICUS Monitor, 3 March 2022, op. cit.

⁵⁸ One of the key slogans of the Aurat March is 'Mera jism, meri marzi' (my body, my choice), which calls for women and men to have autonomy over what happens to their bodies. This includes sexual and reproductive rights and freedom from physical abuse, domestic violence and rape, and from being subjected to any medical procedure without informed consent.

March.⁵⁸ In 2019, the organisers received online death and rape threats.⁵⁹ In February 2020, a petition was submitted before the Lahore High Court calling for a ban on the Aurat March, which was ultimately unsuccessful. Following the court's decision, a religious political party accused the Aurat March of 'vulgarity' and called on its workers to block it and be prepared for 'any sacrifice' should the government provide security to the marchers.⁶⁰

5.10 In March 2021, Aurat March organisers in Karachi were threatened online, while others in Lahore said they had received 'serious death threats' via email, telephone and text messages.⁶¹ In Peshawar, a local court ordered the registration of a first information report (FIR) against the march in Islamabad for allegedly making 'derogatory remarks' against Islam and displaying 'obscene posters'. In June 2021, the Peshawar High Court rejected a petition of several human rights activists challenging a subordinate court's order for the registration of the FIR.⁶²

5.11 The authorities also stifled protests by doctors during the COVID-19 pandemic. In April 2020, police arrested dozens of doctors and medical staff who protested at a lack of personal protective equipment (PPE). The protest took place in the city of Quetta in Baluchistan. Video footage from the protest showed dozens of doctors shouting slogans and criticising the provincial government. Shortly afterwards, police stepped in to end the protest, clashing with several of the protesters and detaining dozens. Representatives of the Young Doctors Association, which organised the protest, said that at least 67 members had been arrested.⁶³

6. Recommendations to the Government of Pakistan

CIVICUS and ALRC call on the Government of Pakistan to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from

⁵⁸ One of the key slogans of the Aurat March is 'Mera jism, meri marzi' (my body, my choice), which calls for women and men to have autonomy over what happens to their bodies. This includes sexual and reproductive rights and freedom from physical abuse, domestic violence and rape, and from being subjected to any medical procedure without informed consent.

⁵⁹ 'Aurat March organisers receive online death threats', Dawn, 17 March 2019, <https://www.dawn.com/news/1470144>.

⁶⁰ 'Pashtun activists targeted amid pandemic while press increasingly muzzled in Pakistan', CIVICUS Monitor, 12 May 2020, <https://monitor.civicus.org/updates/2020/05/12/pashtun-activists-targeted-amid-pandemic-while-press-increasingly-muzzled-pakistan>.

⁶¹ CIVICUS Monitor, 2 April 2021, op. cit.

⁶² CIVICUS Monitor, 1 July 2021, op. cit.

⁶³ CIVICUS Monitor, 12 May 2020, op. cit.

unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

In the light of this, the following specific recommendations are made:

16.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Immediately reinstate any CSOs that have been arbitrarily deregistered.
- Specifically, amend the Policy for NGOs/NPOs receiving Foreign Contributions, 2021 and the 2015 Policy for regulation of INGOs to remove undue restrictions on the freedom of association to bring it into compliance with ICCPR articles 21 and 22.

16.2 Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of killings, enforced disappearances, attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment such as travel restrictions under the Exit Control List.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Specifically, review or repeal sedition and defamation provisions to bring these into line with the ICCPR and the UN Declaration on Human Rights Defenders.

- Halt the use of anti-terrorism legislation to arrest, detain and prosecute HRDs and activists for the peaceful exercise of their rights.
- Immediately and unconditionally release all HRDs, in particular Muhammad Idris Khattak, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn at the highest levels and put an end to all acts of harassment and intimidation of CSOs and activists, including judicial harassment, and in particular the harassment of WHRD Gulalai Ismail and her parents Muhammad and Uzlifat Ismail.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

16.3 Freedom of expression, media freedom and access to information

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Review the Prevention of Electronic Crimes Act 2016 and other provisions in the Penal Code in order to bring them into line with best practices and international standards in the area of the freedom of expression.
- Repeal all provisions criminalising blasphemy.
- Reform defamation legislation in conformity with ICCPR article 19.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.

- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.

6.4 Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Amend the 1960 Maintenance of Public Order law, in order to guarantee fully the right to the freedom of peaceful assembly.
- Unconditionally and immediately release all protesters, especially the leaders and activists of the PTM movement, who have been detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Put an end to the harassment, stigmatisation and intimidation of women's rights activists involved in the Aurat March and bring all those involved in threats against them to justice.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.

- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Access to UN Special Procedures mandate holders

- The government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of association; and 4) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.