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The State of the World's Human Rights; Pakistan 2023

Background

The deepening economic crisis was marked by skyrocketing inflation which reached 29.66% in December, according to the Pakistan Bureau of Statistics. Hikes to cost of living and fuel prices severely impacted the population amid rising political tensions.

On 14 August, caretaker Prime Minister Anwar ul Haq Kakar took over ahead of general elections that constitutionally are to be held within 90 days of a caretaker government being appointed. However, the Election Commission of Pakistan sought a longer timeline to update the delimitation of constituencies, according to new census results. In November, after intervention by the Supreme Court, the election date was set for 8 February 2024.

Freedom of peaceful assembly

Hours before the start of the annual march by Aurat March, the country's largest women's movement, on 8 March, International Women's Day, and a rally by the opposition political party Pakistan Tehreek-e-Insaf (PTI), the Punjab Home Department issued a notification banning "all kinds of protests, demonstrations and sit-ins" for the following seven days in Lahore district. The blanket ban was deemed unlawful since the authorities failed to adequately demonstrate its necessity, using vague reasoning such as the "overall security situation".[1]

The prohibition on protests was imposed under section 144 of the Code of Criminal Procedure (a colonial-era law from 1898), which has been used excessively by district administrations to restrict gatherings. The Lahore district administration had refused permission for the Aurat March in Lahore several days earlier on 3 March, citing "controversial cards and banners for awareness of women's rights" among the justifications. The decision was successfully appealed at the Lahore High Court and permission was granted before the blanket ban was reimposed on the morning of the march.

On 8 March, peaceful protesters at the Aurat March in the capital, Islamabad, were violently dispersed by police, and barbed wire and containers were used to block the protest site. Women and *khawajasira* (transgender) people were injured during the heavy-handed response. One person was killed at the PTI rally.

Former Prime Minister Imran Khan was arrested on 9 May in connection with corruption charges. On the same day, his supporters came out in large numbers nationwide to protest his arrest. Some groups forcibly entered the military headquarters in the city of Rawalpindi and others set fire to a military commander's official residence in Lahore. While there were pockets of violence from protesters, they were met with unlawful use of force by military and police. According to media reports, at least eight people were killed and hundreds injured.

In December, police baton-charged, employed tear gas and water cannons and arrested over 200 peaceful protesters of the Baloch Long March, including many women, children and elderly people, in Islamabad. The protesters were subsequently released.

Arbitrary arrests and detentions

Authorities used the Maintenance of Public Order Ordinance and the vaguely-worded Anti-Terrorism Act to crack down on political opposition. In May, authorities conducted mass arrests and arbitrary detentions of over 4,000 people, including political leaders, alleged to have committed crimes during the 9 May protests. Authorities stated they had used geo-fencing, social media surveillance and CCTV to identify alleged perpetrators.

A total of 103 civilians charged in connection with the 9 May protests were sent to trial by military courts in contravention of their right to a fair trial and obligations under the ICCPR. Although cases challenging the constitutionality of military courts were pending at the Supreme Court, the trials continued. The National Commission for Human Rights (NCHR) found failures in arrest proceedings and prison standards. As of 9 June, 295 cases were registered in Punjab, the province with the most arrests; 52 were under the Anti-Terrorism Act, 1997. Many protesters, including prominent PTI supporter Khadija Shah who was detained for over seven months, faced re-arrests despite being granted bail. Many PTI leaders were reportedly forced to resign from the party.

Human rights lawyer Jibran Nasir was briefly abducted on 1 June. On 20 August, lawyer and human rights defender Imaan Mazari, as well as Ali Wazir, a leader of the Pashtun Tahafuz Movement (PTM), and other PTM activists, were arrested on allegations of sedition, damaging public property and obstructing government officials. Their arrests came after their participation in the PTM *jalsa*, or public rally, in Islamabad on 18 August, and were in violation of their right to freedom of assembly, association and expression. Imaan Mazari's arrest was carried out in a manner that contravened due process. Imaan Mazari and Ali Wazir were released on bail on 28 August but were promptly re-arrested the same day on terrorism charges. Both were released on bail the following month. Ali Wazir was re-arrested on 14 November over allegations related to making speeches against state institutions, and then was released after eight days. PTM leader Manzoor Pashteen was arrested on 4 December after speaking at a sit-in against passport and visa requirements at the Pakistan-Afghanistan border in Chaman, Balochistan. He remained in custody at the end of the year.

Freedom of expression

On 4 February, the Pakistan Telecommunication Authority (PTA) blocked Wikipedia due to the platform's refusal to take down "sacrilegious content". The ban was lifted two days later.

On 5 March, the Pakistan Electronic Media Regulatory Authority (PEMRA) placed a blanket ban on the broadcast of speeches by Imran Khan and suspended the transmission of ARY TV, a private news network. PEMRA accused Imran Khan of attacking state institutions and promoting hatred. From 9 May, following Imran Khan's arrest, the PTA imposed an "indefinite" ban on mobile internet and blocked major social media platforms, including YouTube, Twitter and Facebook. Although the authorities claimed to have restored mobile internet on 12 May, people continued to experience difficulties in accessing social media sites. In December, social media access was blocked for hours across the country during the PTI's "virtual" rally.

Prior to the caretaker government being appointed in August, Parliament passed at least six laws and amendments that sought to restrict freedom of expression and civic space, including the space for parliamentary debate and dissent.

On 15 August, President Arif Alvi signed into law the vaguely-worded PEMRA (Amendment) Bill 2023. The NCHR and media expressed concerns that it could be used to further restrict the right to freedom of expression.

Women's and girls' rights

Violence against women and girls continued to be endemic, with access to justice remaining out of reach for many. 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.

On 16 August, 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. In July, a 15-year-old girl employed as a domestic worker was hospitalized with signs of physical abuse, neglect and malnutrition. In November a woman died in a so-called "honour" killing in Kohistan on the orders of a *jirga* (tribal council).[2]

Enforced disappearances

As in previous years, enforced disappearances of journalists, human rights defenders and critics of the government and military establishment were carried out by authorities with impunity. Families continued to publicly campaign for truth and justice for their missing loved ones.

A spate of disappearances of government critics followed the violent protests of 9 May. They included YouTuber Imran Riaz Khan, who disappeared on 11 May,[3] and political leaders such as Usman Dar. Both men reappeared after four months and one month respectively without being charged. No one was held accountable for their or others' disappearances.

Throughout the year there were many reports of disappearances in the province of Balochistan and of Baloch students in other parts of the country. Two Baloch students, Salim Baloch and Ikram Naeem, disappeared on 4 July and prominent Baloch journalist Abid Mir disappeared on 8 March. Ikram Naeem and Abid Mir were released three and five days after their disappearance respectively, and Salim Baloch was released after more than a month. The safety and whereabouts of many other Baloch people, including students, remained unknown at the end of the year. There were also reports of extrajudicial killings, including that of Balach Mola Bakhsh by the Counterterrorism Department in November.

Right to a healthy environment

Climate change continued to take an immense toll on Pakistan, despite historically its small contribution to greenhouse gas emissions.[4] The country had seen some of the highest temperatures in the world in recent years and the WHO predicted that heatwaves would intensify and increase in frequency.

Research by Amnesty International found that climate-induced heatwaves affected the health of people in the cities of Jacobabad and Lahore in ways that included heatstroke, fatigue, breathing difficulties and fever. Those living in poverty or working in the informal sector with limited or no access to coping measures were particularly affected. Robust social protections were not included in heatwave and disaster management plans, and many people were not in a position to follow public health advice such as reducing working hours and keeping homes cool.

According to a report by the Swiss air quality technology company IQAir, Lahore consistently was ranked as one of the most air polluted cities in the world, impacting people's rights to life, health and healthy environment.

LGBTI people's rights

Transgender (*khawajasara*) and gender diverse people were subjected to increased incidents of violence, harassment, intimidation and murder.[5] Political and Islamist groups led a dangerous disinformation campaign against the Protection of Transgender Persons (Protection of Rights) Act 2018, which provides legal recognition to transgender people based on self-determination and protects them from discrimination based on their real or perceived gender identity. In April, the Senate Standing Committee on Human Rights confirmed the proposal of a new Bill to repeal and replace the Transgender Persons Act 2018 to "attain consistency with the injunctions of Islam". The proposed Bill removes the provision that allows for self-identification without undergoing a medical examination, replaces the word "transgender" with "intersex", and criminalizes the provision of gender-affirming healthcare.

The Federal Shariat Court later set aside some provisions of the Act relating to gender identity, the right to self-perceived gender identity and the right of inheritance for transgender people, stating that the provisions were "un-Islamic". This verdict was challenged before the Supreme Court.

Refugees' and migrants' rights

Many Afghan nationals fled to Pakistan following the Taliban takeover of Afghanistan in 2021. Afghan refugees in Pakistan were subsequently subjected to waves of arbitrary arrests, detentions and harassment by authorities, including the threat of deportation.[6] In October the government announced a crackdown on "illegal immigrants" and imposed a 30-day deadline to leave the country. From September until the end of the year, more than 490,891 Afghan refugees across Pakistan were deported. Harassment, discrimination, arrests and arbitrary detention of refugees across the country intensified following the announcement of the deadline. Detainees held in detention centres set up across the country were denied legal safeguards, access to legal counsel or communications with family members.

Freedom of religion and belief

Religious minorities continued to be subjected to violence and harassment. Vague and draconian blasphemy laws were routinely used to target minorities and allowed extremist groups to operate with impunity.

A man in Nankana Sahib accused of desecrating the Qur'an was dragged out of a police station by a vigilante mob in February and beaten to death. On 7 August a teacher accused of blasphemy in Turbat was shot and killed. On 16 August, after blasphemy allegations were made against two Christian residents of Jaranwala, a city in the district of Faisalabad, vigilante mobs attacked at least 24 church buildings and at least 80 Christian houses. Media reports stated that over 100 people were arrested in connection with the violence and 21 First Information Reports to initiate legal processes had been filed; police claimed trials will start in early 2024. Ahmadi places of worship and grave sites continued to be desecrated with no accountability or justice. On 19 January and 2 February two Ahmadi mosques in the Martin Quarters area of Karachi were attacked by groups of men. On 25 July, an Ahmadi mosque in the Shah Faisal Colony of Karachi was attacked and anti-Ahmadi graffiti was sprayed on the premises. Similarly in August, a media report stated that eight Ahmadi Muslims were arrested for allegedly "preaching their beliefs" in Lahore. The NCHR reported at least 34 incidents where religious sites of Ahmadi Muslims were attacked between January and September. A community spokesperson told the media that over a span of two weeks in September, 74 Ahmadi graves were vandalized in the city of Daska, Punjab province. In several areas of Punjab, Ahmadi Muslims were prevented from carrying out the ritual animal sacrifice on Eid ul Adha, a religiously significant day for Muslims.