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FOLLOW UP TO THE PREVIOUS REVIEW

1. Pakistan has made very limited progress in implementing the 168 recommendations it supported (out of a total of 289) during its previous review in 2017, especially relating to enforced disappearances, freedom of thought, conscience and religious belief, and freedom of opinion and expression.¹
2. The government has failed to criminalize enforced disappearances despite supporting recommendations to do so and to thoroughly investigate allegations and bring perpetrators to justice. The government stated in the previous review that it “pursues action against perpetrators who have been involved in enforced disappearances”,² but no one has been held accountable for any disappearance. They continue to be carried out with impunity and victims and their families are still struggling for truth, justice, and accountability.
3. Pakistan committed to protect persons belonging to minorities and to work towards interfaith and communal harmony.³ It also committed to investigate incidents of violence against religious minorities and holding perpetrators accountable.⁴ Regrettably, violence against religious minorities continues unabated. Blasphemy laws are still used to target religious minorities including Christians and the persecuted Ahmadi community, and even Muslims, often to settle personal scores. Places of worship for Ahmadi Muslims have also been desecrated.
4. Pakistan also pledged to safeguard freedom of expression and protect journalists from attacks or intimidation.⁵ Since the last review, authorities have tightened their grip on journalists by imposing tighter controls. Attacks, harassment and intimidation against media and journalists have increased.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

5. An amendment was introduced in Parliament in June 2021 to amend the Penal Code of Pakistan and criminalize enforced disappearances but did not conform with international human rights law and standards.⁶ After it was returned with feedback by the Senate Standing Committee on Interior, the amendment was not tabled in the National Assembly within the required time and lapsed. No action has been taken since.
6. Pakistan has failed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, despite its statement in its first review in 2008 that it was about to accede.⁷
7. Regrettably, Pakistan merely noted numerous recommendations⁸ in the previous review to repeal its “blasphemy laws” and these laws remain in force. Section 295-C of the Penal Code provides for a mandatory death sentence for anyone convicted under this law. There has been no action to substantially modify or repeal other problematic clauses such as sections 295-A (insulting religious feelings), 295-B (life imprisonment for “defiling the Quran”) and 298 B (misuse of religious epithets) of and 298 C (Ahmadi Muslims declaring themselves to be of Islamic faith).
8. The Prevention of Electronic Crimes Act (PECA) - particularly Sections 3,⁹ 31,¹⁰ and 37¹¹ - and the Anti-Terrorism Act have been used to stifle freedom of expression, namely against journalists and media workers. In February 2022, an ordinance criminalizing online “defamation” was passed before being scrapped.¹² In September 2021, the Pakistan Media Development Authority was proposed, which effectively enabled press censorship by bring all media under one regulator, granting the government unchecked powers to punish journalists through steep fines, special “media tribunals” and appointing government officials to key positions.¹³ This was also ultimately disbanded in April 2022.¹⁴

9. The Protection of Journalists and Media Professionals Act also has a vague provision under Section 6 against spreading “false information” which may be used to prosecute journalists and media workers.
10. Despite supporting numerous recommendations in the previous review to address violence against women and girls,¹⁵ it remains a pervasive issue. In June 2021, the Senate passed the Domestic Violence (Prevention and Protection) Bill 2021 but is yet to be enacted by the National Assembly.¹⁶ In July 2021, an adviser to the Prime Minister, Babar Awan, asked for the bill to be reviewed by the Council of Islamic Ideology – an advisory body – to allay the concerns of some political parties that the law “contravenes the Islamic [injunctions] and way of life.”¹⁷ The government denied that any official request had been made, and any feedback provided by the Council was not made public. The draft legislation was sent back to parliament, after the review of the Senate Standing Committee on Human Rights, where it remains pending.
11. The four-year tenure of the National Commission on Human Rights’ (NCHR) members expired in May 2019 and no new appointments were made, rendering the NCHR defunct for two years. The Islamabad High Court was petitioned in March 2021 by civil society and ruled that the government must appoint a head of the NCHR.¹⁸ On 18 November 2021, a chairperson and six members were appointed to the NCHR.¹⁹

THE HUMAN RIGHTS SITUATION ON THE GROUND

Enforced disappearances

12. The use of enforced disappearances continues to be used by the state to target human rights defenders, journalists and, more generally, people voicing criticism of the authorities, with impunity. As of 30 June 2022, at least 2,219 cases – and likely many more – remain pending.²⁰
13. Amnesty International has documented the frequent use of the practice of enforced disappearances in the province of Balochistan.²¹ In June 2022, three students of Baloch origin were disappeared from Karachi University.²²
14. In June 2022, journalists Nafees Naeem²³ and Arsalan Khan were also taken away by authorities who released them later without any charge.²⁴ In December 2021, former prime minister Imran Khan met with the family of disappeared journalist Mudassar Naru and promised a “complete report” of his whereabouts.²⁵ This is yet to be provided.
15. On 26 June 2021, political activist Seengar Noonari, Labor Secretary of the Awami Workers Party (AWP) was abducted from his house by 15 men in plainclothes. His abduction occurred the day before a day of protests was being organized by the AWP against allegedly illegal land grabs by private property developers. For five weeks, Seengar Noonari’s family was not informed of his fate and whereabouts. On 1 August 2021, he was released without charge and returned to his family.²⁶
16. Intimidation of families and victims continues years after the enforced disappearance has taken place and can sometimes continue after the person is returned, including heavy-handed surveillance, threatening calls from blocked numbers and even phishing attacks on personal devices. Sammi Baloch, a Baloch activist whose father was forcibly disappeared, had her phone hacked, and her photos and messages deleted in a phishing attack.²⁷

17. Families are sometimes given false hope that if they stay silent their loved one will return. Idris Khattak disappeared on 19 November 2019. For the first six months, the family was told through unofficial backchannels with the security agencies to endure his disappearance quietly and, if they did, he would be returned. There was no movement on his case until his daughter Talia began publicly campaigning for his return and resulting in a rare admission from the Ministry of Defence that Idris Khattak was kept in custody. He was later tried by a military court in secret for treason.²⁸ He has now been moved to Adiala Jail in Rawalpindi after being reportedly sentenced to 14 years in jail.²⁹

Freedom of thought, conscience and religion

18. Amnesty International has documented multiple cases of violent discriminatory attacks against persons and properties following a blasphemy allegation against them, that have victimized Ahmadi Muslims, and people belonging to other religious minorities. Even Muslims have been put at risk of death upon conviction (owing to the mandatory death sentence) or even at the hands of the communities they live in.
19. In May 2021, a police station was besieged by a group of people who demanded that a man accused of blasphemy be handed over to them in an attempt to lynch him.³⁰ Similarly, in December 2021, a Sri Lankan national Priyantha Kumara was brutally beaten to death and set on fire. While case resulted in some convictions³¹, there does not seem to be any progress towards repealing or substantially amending Section 295 of the Pakistan Criminal Penal Code.
20. In July 2020, the government bowed to pressure from a discriminatory campaign mounted by politicians and clerics to halt the construction of the first Hindu temple and community center in Islamabad.³²
21. In December 2019, Junaid Hafeez, a professor, was sentenced to death for blasphemy by a court in Multan. He has been imprisoned since 2013, spending much of that time in solitary confinement.³³
22. In August 2021, at least 10 places of worship for Ahmadi Muslims were desecrated – at times by the police or with their acquiescence.³⁴ To date, no effective investigation has been initiated.
23. In January 2021, the Pakistan Telecommunications Authority (PTA) banned access to the US-based website trueislam.com, which documents the activities of the Ahmadi community in the USA – part of a broader pattern of discrimination against the religious group and state overreach. The PTA issued notices to Google and Wikipedia to remove “sacrilegious content”.³⁵ This trend continued for most of 2021, with notices being issued to websites registered in Singapore, Sweden and the United Kingdom.³⁶

Freedom of Expression

24. Since the previous review, human rights defenders and journalists have been targeted and charged under draconian laws, including PECA, the Anti-Terrorism Act, and section 124-A of the Penal Code. The government has unduly curtailed media freedoms, and journalists report experiencing growing censorship, coercion, harassment and even violence by the authorities.
25. On 25 May 2021, journalist Asad Ali Toor, was assaulted by three men who forcibly entered his apartment in Islamabad. The men identified themselves as from security agencies, interrogated Toor about his funding, and took his electronic devices.³⁷ An investigation was ordered into the attack but was ultimately dropped by the Federal Investigative Agency summoning Toor for questioning for “defaming” Pakistan.³⁸ In July 2022, journalist Ayaz Amir was violently attacked by unidentified men hours after delivering a speech in which he

criticized the country's military establishment. An investigation was announced, but at the time of writing, none of the perpetrators had been identified.³⁹

26. Section 6 of the November 2021 Protection of Journalists and Media Professionals Act prohibits journalists from "spreading false information."⁴⁰ In view of the broad and vague formulation of this offence, this section may be misused to further harass and target critical voices. Moreover, authorities can initiate criminal proceedings against journalists for advocacy of "hatred", an offence that is equally broadly formulated and may be used to restrict freedom of expression.

Sexual and gender-based violence

27. Pakistan supported numerous recommendations⁴¹ in the previous review on ending violence against women but since then women and girls in Pakistan have continued to face abduction, physical assault, rape and murder, and access to justice remains laden with obstacles. Few, if any, perpetrators have been held to account.
28. In June 2019, the Supreme Court's then Chief Justice announced the establishment of 1,016 special courts to hear domestic violence cases.⁴² It is hoped that their prompt and swift formation can help improve access to justice.
29. In July 2021, Zahir Jaffer was arrested for the brutal murder of Noor Mukadam, whom he had held hostage at his home for more than 36 hours. Forensic investigations found that he had tortured, raped and shot Noor before beheading her. In February 2022, Jaffer was found guilty by a local court and sentenced to death.⁴³ While this conviction is significant, Amnesty International opposes the death penalty in all cases without exception and calls for far-reaching procedural and institutional reform to meaningfully address sexual and gender-based violence in Pakistan.
30. Despite the passage of the Transgender Rights Act 2018, members of the beleaguered community continue to face violence. By April 2022, there were reports of at least five transgender women being killed in the province of Khyber Pakhtunkhwa.⁴⁴

Climate justice

31. Pakistan is projected to be among the countries worst affected by rising temperatures over the coming decades, with recent joint findings by the Asian Development Bank and World Bank highlighting its heightened risk of extreme climate events and food insecurity (given the implications for the country's agricultural sector).⁴⁵ Pakistan's vulnerability is compounded by its low coping capacity.
32. From March to May 2022, Pakistan recorded some of the highest temperatures in the country for the last six decades.⁴⁶ In 2022, an estimated 65 people have died from the effects of the heatwaves, but the real numbers may be much higher.⁴⁷
33. In Jacobabad, on at least four occasions since 1987, temperatures and humidity levels have reached a threshold described by experts as "hotter than a human body can handle." Marginalized groups such as people living in poverty, people with disabilities, people who work outdoors and women.⁴⁸
34. Air pollution levels have frequently become hazardous in major Pakistani cities, particularly Lahore.⁴⁹ Despite promises by the government to implement the recommendations of an expert government-appointed anti-

smog commission,⁵⁰ there have been few, if any steps taken to protect the rights to health, life and a healthy environment.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Pakistan to:

Enforced disappearances

35. Immediately release all forcibly disappeared people or promptly bring them before a judge in a civilian court of law to rule on the lawfulness of their arrest or detention and whether they should be released.
36. As recommended in all three previous reviews, ratify the International Convention for the Protection of All Persons from Enforced Disappearance and incorporate it into domestic law.
37. Immediately and unconditionally disclose to families the fate and/or whereabouts of forcibly disappeared people.
38. As previously recommended, establish an independent inquiry into all suspected cases of enforced disappearance and hold those suspected to be responsible to account, which Pakistan had accepted to do in the previous review.
39. As previously recommended, criminalize enforced disappearances and ensure the current bill amending the Penal Code of Pakistan and any legislation on enforced disappearance conforms with international human rights law and standards.
40. Hold meaningful consultations with activists, civil society, and families of the disappeared on the proposed legal amendments to the draft bill on enforced disappearances.
41. Ensure victims and families of disappeared people are given full and effective reparations to address any hardships they have endured, including compensation, restitution, rehabilitation and guarantees of non-repetition.

Freedom of thought, conscience and religion

42. As previously recommended, repeal Sections 295-A, 295-B, 295-C, 298 B and 298 C of the Pakistan Penal Code.
43. Pending the repeal, commute all death sentences imposed under Section 295-C of the Penal Code.
44. Remove Sections 295-A and 298-A from the list of scheduled offences under the Anti-Terrorism Act, 1997.
45. Urgently ensure the safety and security of all, in light of threats following allegations of blasphemy and "anti-state" activities by ensuring the protection of vulnerable groups, holding perpetrators to account, having prompt, impartial and effective investigations into incidents, and by providing them safe passage to safe spaces if their lives are so endangered.

Freedom of Expression

46. Amend the Prevention of Electronic Crimes Act, 2016, in particular Sections 31, 3, and 37, to remove overbroad powers for monitoring and shutting down websites and retaining data.
47. Amend the Protection of Journalists and Media Professionals Act, in particular Section 6, to avoid broad and vague formulations that lack legal clarity and may be used to unlawfully restrict the right to freedom of expression.

Sexual and gender-based violence

48. Implement previously supported recommendations to pass and implement legislation to protect women and girls from gender-based violence, in line with international human rights law and standards as Pakistan had accepted to do in the previous review.
49. Implement previously supported recommendations to ensure prompt, impartial, effective and gender-sensitive investigations are carried out into incidents of violence against women or girls and members of the transgender community with the purpose of holding perpetrators to account without recourse to the death penalty and ensure victims can access justice and effective remedies.

Climate justice

50. Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that will adequately protect people from the foreseeable and unavoidable impacts of the climate crisis, particularly the heatwaves.
51. Identify, in a participatory and human rights-consistent manner, the exact needs in terms of technology transfer and financial resources needed to complement Pakistan's commitments to halve their emissions by as committed to at COP26.

¹ Report of the Human Rights Council on its thirty-seventh session, para. 786, 14 June 2018, UN Doc. A/HRC/37/2

² UN Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Pakistan, 4 September 2017, UN Doc. A/HRC/WG.6/28/PAK/1, para. 63

³ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Pakistan, 29 December 2017, A/HRC/37, recommendation 152.55 (Saudi Arabia), 152.248 (Thailand), 152.147 (Namibia), 152.168 (France)

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⁵ A/HRC/37/13, recommendations 152.170 (Cyprus) and 152.174 (Czechia)

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⁷ Report of the Working Group on the Universal Periodic Review: Pakistan (1st cycle), UN Doc. A/HRC/8/42, 4 June 2008, para. 104

⁸ A/HRC/37 recommendation 152.159 (Luxembourg), 152.151 (Mexico), 152.156 (Greece), 152.157 (Holy See)

⁹ Section 3, Pakistan Electronic Crimes Act: Concerns unauthorized access to information systems or data, predicated upon "dishonest intention" without explaining what the parameters of such a vague term may be https://na.gov.pk/uploads/documents/1470910659_707.pdf

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