Islamic Republic of Pakistan

Consolidated Joint Submission to the UN Universal Periodic Review

28th Session of the UPR Working Group

Submitted 30 March 2017

Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

And

Pakistan NGO Forum

CIVICUS: World Alliance for Citizen Participation

CIVICUS UPR Lead, Email: sara.brandt@civicus.org
Ms Susan Wilding, Email: Susan.wilding@civicus.org
Tel: +41 22 733 3435
Web: www.civicus.org

Pakistan NGO Forum

UPR lead:
Professor Mohamed Ismail,
Email:
Prof.m.ismail@gmail.com
Web: www.ngospk.webs.com
1. (A) Introduction

1.1. CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 170 countries throughout the world.

1.2. The Pakistan NGO Forum (PNF) is an umbrella body composed of five networks of civil society organisations (CSOs) in Pakistan. Collectively, the networks have about 5,000 community-based organisations and CSOs as members. PNF’s primary mission is to create a conducive working environment for CSOs in Pakistan.

1.3. In this document, CIVICUS and PNF 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 analyze Pakistan’s fulfillment of the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination on 30 October 2012. To this end, we assess Pakistan’s implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.

1.4. During the 2nd UPR cycle, the Government of Pakistan received 25 recommendations relating to civic space. Of these recommendations, 10 were accepted and 15 were noted. An evaluation of a range of legal resources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Pakistan has failed to implement the recommendations relating to civil society space but rather imposed more restrictions. While the government has persistently failed to address unwarranted restrictions on civic space since Pakistan’s last UPR examination, acute implementation gaps were found with regard to the right to freedom of association and assembly, freedom of expression and issues relating to the protection of human rights defenders.

1.5. CIVICUS is deeply concerned by the severe and continued restrictions on freedom of expression including through the routine judicial persecution and harassment of individuals and groups for taking part in legitimate forms of dissent both online and offline.

---

1 The full version of this submission can be found [here](#).
1.6. CIVICUS is further alarmed by the targeting of human rights defenders, journalists, religious leaders, peaceful protesters and civil society representatives through forced closure of civil society organisations, arbitrary detention and extra-judicial killings. Pakistan is listed as ‘repressed’ by the CIVICUS Monitor which evaluates protection of the freedoms of expression, association and peaceful assembly globally.

2. (B) Freedom of association

2.1. During Pakistan’s examination under the 2nd UPR cycle, the government did not receive any recommendations on freedom of association and creating an enabling environment for civil society organizations (CSOs). Examining the situation for the right to association, it is clear that this is not indicative of the routine and unwarranted restrictions on freedom of association. CIVICUS and PNF remain concerned by the numerous excessive limitations placed on freedom of association in Pakistan, especially over the course of the last year, and urge recommending states to give due consideration to this area during Pakistan’s UPR at the 28th Session.

2.2. Article 17 of Pakistan’s Constitution guarantees the right to freedom of association. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a state party, also guarantees freedom of association. However, despite these commitments, the government has imposed debilitating restrictions on the right to freedom of association in both law and practice.

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

3.1. Under Pakistan’s previous UPR examination, the government received 4 recommendations on the protection of human rights defenders, journalists and civil society representatives. The government committed to several relevant recommendations including “Developing a national policy for the protection of human rights defenders and bring to justice all perpetrators of attacks on or threats against human rights defenders to combat impunity” and “Invite the Special Representative of the Secretary-General on the situation of human rights defenders to conduct an independent visit to Pakistan”. Of the recommendations received, the government of Pakistan accepted 3 and noted 1. However, as examined in this section, the government
has failed to effectively operationalize these recommendations. The 3 recommendations on protection of HRDs remain unimplemented.

3.2. Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. The ICCPR further guarantees the freedoms of expression, association and assembly. However, in spite of these protections human rights defenders are vilified and stigmatized for their work and face threats and attacks, including extra-judicial killings.

4. (D) Freedom of expression, independence of the media and access to information

4.1. Under the 2nd UPR cycle, the government received 22 recommendations relating to freedom of expression, access to information, freedom of the press and the use of blasphemy to restrict free speech. The government pledged to “Review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR to which Pakistan is signatory” and “Adopt measures to ensure the protection of religious minorities, including Ahmadis, Christians, Hindus and Sikhs, prevent the abuse of blasphemy legislation, halt forced conversions, and take necessary steps to prevent violence against members of religious minority communities.” Of the 22 recommendations received, the government of Pakistan accepted 8 and noted 14. However, as discussed below, the government has not taken effective measures to implement these recommendations.

4.2. Article 19 of the ICCPR guarantees the right to freedom of expression and opinion. Article 19 of the Constitution of Pakistan also guarantees the right to freedom of expression. However, in policy and practice, freedom of expression offline and online is widely restricted.

5. (E) Freedom of peaceful assembly

1. During Pakistan’s examination under the 2nd UPR cycle, the government did not receive recommendations on the right to freedom of peaceful assembly. However, as evidenced below, freedom of peaceful assembly continues to be violated in Pakistan and we strongly recommend that States put forward recommendations to Pakistan in this area during the 28th UPR session.
2. Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 16 of the Pakistani Constitution also guarantees the right to freedom of peaceful assembly. However, in practice and policy, freedom of peaceful assembly is undermined in Pakistan through repressive crackdowns on protestors and attacks on protests by non-state actors.

6. **Recommendations to the Government of Pakistan**

CIVICUS and PNF 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: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made:

1. **Regarding freedom of association**

   • Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures, which unwarrantedly limit the right to associate.

   • Remove all undue restrictions on the ability of civil society organizations to receive international and national funding in line with best practices articulated by the UN Special Rapporteur on the rights to peaceful assembly and of association.

   • Abolish criminal responsibility for organization and participation in the activities of non-registered organizations and lift the ban on the activities of non-registered organizations.

   • All civil society organizations which have been arbitrarily and unduly sanctioned or deregistered should be immediately reinstated.

   • Unwarranted raids on civil society groups and unjustifiable disruptions to legitimate, conferences, seminars and other activities organized by CSOs should be stopped.
• Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote meaningful political dialogue that allows and embraces diverging views, including those of human rights defenders, CSOs, journalists, political activists and others.

• Specifically, the Policy for Regulation of International Non-governmental Organisations should be suitably amended to guarantee that undue restrictions on freedom of association are removed to bring their provisions into compliance with article 21 and 22 of ICCPR.

• Guarantee the effective and independent functioning of autonomous trade unions by removing the proscriptions on the formulation of independent labour unions and undue limitations on the right to strike for unions.

2. **Regarding the protection of human rights defenders**

• Civil society members, journalists and human rights defenders should be provided a safe and enabling environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against HRDs and bring perpetrators of such offences to justice.

• Ensure that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.

• A consolidated process of repeal or amendment of laws and decrees which unwarrantedly restrict the legitimate work of human rights defenders in line with the UN Declaration Human Rights Defenders should be initiated;

• Specifically, articles 295, 295A, 295B, 295C, 298, 298A, 298B and 298C in the Penal Code, also referred to as the blasphemy laws, should be suitably amended in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.

• All human rights defenders including, journalists and bloggers detained for exercising their fundamental rights to freedom of expression, association, assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.
• Senior government officials should publicly condemn instances of harassment and intimidation of civil society activists and organisations.

• The Government should apply systematically legal provisions that promote and protect human rights and establish mechanisms that protect human rights activists by adopting a specific law on the protection of human rights defenders in accordance with Council resolution 27.31 of the Human Rights Council

3. **Regarding freedom of expression, independence of the media and access to information**

• Ensure freedom of expression and media freedom by bringing all national legislation in line with international standards.

• Review the Prevention of Electronic Crimes Act in order to ensure that Pakistan’s legislation is in line with best practices and international standards on freedom of expression.

• All media outlets unwarrantedly closed should be reinstated.

• Reform defamation legislation in conformity with article 19 of the International Covenant on Civil and Political Rights (ICCPR).

• Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive.

• Take adequate steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.

• Guarantee unfettered access for all persons in Pakistan to domestic and foreign media information, both offline and online

• Develop a plan of action ensuring that Internet laws comply with the government’s commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, loosen electronic media ownership rules and allow national bloggers, journalists, other Internet users to play a full and active role in promoting and protecting human rights.
• Unfettered access to online information resources should be allowed by removing restrictions on access to national and international news websites and social media outlets and the websites of civil society organizations.

• Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.

• Organize inclusive consultations with journalists and the media to resolve disputes concerning the new media law.

• Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including the arts.

4. Regarding freedom of assembly

• Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) which calls for simple notification rather than explicit permission to assemble.

• The Pakistan Penal Code 1860 should be amended in order to fully guarantee the right to freedom of assembly.

• All demonstrators, journalists and human rights defenders detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.

• Review and if necessary update existing human rights training for police and security forces with the assistance of independent nongovernmental organizations to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

• Senior government officials should publically condemn the use of excessive and brutal force by security forces in the dispersal of protests. A formal investigation into such instances should be launched, and perpetrators should be brought to justice.
• Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

5. **Regarding access to UN Special Procedures mandate holders**

• The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritize official visits with 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; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy and; 7) Working Group on Arbitrary Detention.

6.6 **Regarding State engagement with civil society**

• Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy.

• Systematically consult with civil society and NGOs on the implementation of UPR including by holding periodical comprehensive consultations with a diverse range of civil society stakeholders.

• 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.