

We are deeply concerned by barriers for civil society organisations (CSOs) to register and operate as well as criminalisation, threats and harassment of human rights defenders (HRDs) and the failure to hold perpetrators to account. 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.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

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

There are numerous restrictions on the right to peaceful assembly. Violations include extrajudicial killings, arrests of peaceful protesters, legal harassment, threats and enforced disappearances.

There have been numerous restrictions of protests by the PTM movement who have been systematically targeted for calling for an end to human rights violations against the Pashtun community.

There have also been ongoing attempts to block or disrupt the Aurat March protests by women human rights activists. Some have received online death and rape threats.



FREEDOM OF EXPRESSION

The Prevention of Electronic Crimes Act (PECA) 2016 contains broad and vague provisions and disproportionate penalties to criminalise online defamation.. Under the 2022 amendment, any person or organisation found guilty of posting or spreading ‘fake news’ will be jailed for three to five years.

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. The military has set restrictions on reporting: from barring access to certain regions, to encouraging self-censorship through direct and indirect methods of intimidation.

There is an increasing trend of censorship & targeting of journalists. Several journalists were placed on a watch list by the Pakistan Federal Investigation Agency’s Cybercrime Wing for expressing critical views & for their critical reporting, especially those covering the Pashtun Tahafuz Movement that has mobilised nationwide over human rights violations against Pashtun people.

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.



FREEDOM OF ASSOCIATION

There is a growing crackdown on CSOs access to funding, especially those in the aid sector. All CSOs that receive or intend to receive foreign economic assistance are required to register and obtain a Memorandum of Understanding (MOU) and share information related to every project and donor with the Economic Affairs Division or face refusal for funding clearance by bank authorities.

CSOs face various barriers in operating. At both the federal & 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.

International Non-Governmental Organisations (INGOs) are regulated by a 2015 policy which can be used for political reasons to target critical organisations or individuals. All foreign aid and advocacy organisations must register and obtain an MOU. The online registration protocol makes the process for obtaining registration laborious, non-transparent and extremely challenging.

Organisations have been subject to constant investigation and harassment during and after the registration process. INGOs have faced additional barriers to fundraising, opening bank accounts and obtaining tax-exempt status as well as visa denials for international staff. In 2018, authorities shut down of and expelled 18 INGOs.

Civic space in Pakistan is currently rated “**REPRESSED**” by the CIVICUS Monitor

COMMON VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE:



Systematic judicial harassment, especially against women human rights defenders, on trumped up charges of defamation, sedition, conspiracy, cybercrime and terrorism



Harassment, intimidation and attacks against activists and their families, including abductions, house raids, enforced disappearances and killings



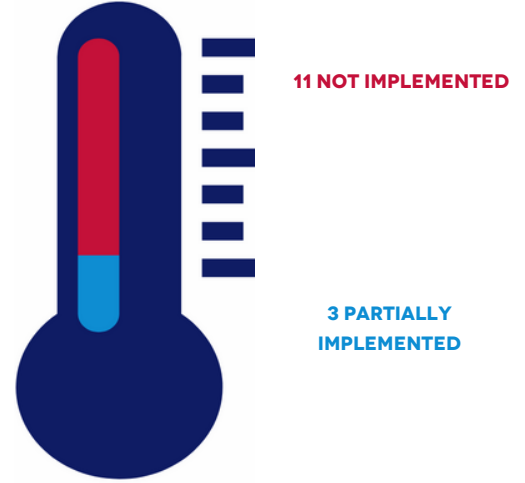
Stigmatisation and violent smear and hate campaigns



Surveillance and cyber harassment against activists and journalists

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Pakistan received 14 recommendations relating to the space for civil society (civic space).



RECOMMENDATIONS

- 1 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.
- 2 Halt the use of anti-terrorism legislation to arrest, detain and prosecute human rights defenders and activists for the peaceful exercise of their rights, in particular activist Muhammad Ismail and his family
- 3 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.
- 4 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.
- 5 Amend the 1960 Maintenance of Public Order law, to guarantee fully the right to the freedom of peaceful assembly.
- 6 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.

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