



**Pakistan NGO Forum**



Islamic Republic of Pakistan  
Joint Submission to the UN Universal Periodic Review  
28<sup>th</sup> 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](mailto:sara.brandt@civicus.org)  
Ms Renate Bloem, Email:  
[renate.bloem@civicus.org](mailto:renate.bloem@civicus.org)

Tel: +41 22 733 3435  
Web: [www.civicus.org](http://www.civicus.org)

**Pakistan NGO Forum**

UPR lead:  
Professor Mohamed Ismail,

Email:  
[Prof.m.ismail@gmail.com](mailto:Prof.m.ismail@gmail.com)

Web: [www.ngospk.webs.com](http://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 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.4 During the 2<sup>nd</sup> 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.
- 1.6 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.

- In Section B, CIVICUS and PNF examine Pakistan’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- In Section C, CIVICUS and PNF examine Pakistan’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.
- In Section D, CIVICUS and PNF examine Pakistan’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, independence of the media and access to information.
- In Section E, CIVICUS and PNF examine Pakistan’s implementation of UPR recommendations and compliance with international human rights standards related to freedom of assembly.
- In Section F, CIVICUS and PNF make a number of recommendations to address the concerns listed.

## 2. (B) Freedom of association

- 2.1** During Pakistan’s examination under the 2<sup>nd</sup> 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 28<sup>th</sup> 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.
- 2.3** The domestic legal framework in Pakistan governing the operations of CSOs consists of four separate laws, under any of which CSOs can choose to register with registration offices in different provinces. CSOs can register under the Societies Registrations Act, 1860 if they work in areas such as science, diffusion of political education, fine arts or educational and medical services.<sup>1</sup> The Trusts Act, 1882 governs a public charitable trust for the general public under which organisations

---

<sup>1</sup> Societies Registrations Act, 1860. Act XXI of 1860. <http://punjablaws.gov.pk/laws/1.html>

can register and self-select into categories based on their whether they work to advance religion, knowledge, commerce, health and safety for the public or “any other object beneficial to mankind”.<sup>2</sup> CSOs identifying as one “established by persons out of their own free will for the purpose of rendering welfare services” can register under the Voluntary Social Welfare Agencies Registration and Control Ordinance, 1961. These services include child, youth and women’s welfare, family planning, social education and other areas.<sup>3</sup> A non-profit company can register under the Companies Ordinance, 1984 if they undertake activities in fields such as commerce, art, religion, charity, social services or another “useful” objective.<sup>4</sup>

**2.4** In October 2015, a disenabling new Policy for Regulation of International Non-governmental Organisations (INGOs) came into force requiring INGOs to apply for registration through a new online registration form. The responsibility for monitoring and security clearance of INGOs shifted from the Economic Affairs Division to the Ministry of Interior. If approved, INGOs are assigned to certain fields of work and location dependant on the national priorities of Pakistan set-out in a Memorandum of Understanding developed in consultation with relevant federal and provincial authorities.<sup>5</sup> The Policy for Regulation of International Non-governmental Organisations includes several problematic measures including endowing the authorities with wide discretion to demand information from organisations at any time. INGOs can be denied access to foreign funds, permission to assist other NGOs or dispose their own assets because prior governmental approval is needed. In addition, the registration process under the policy lacks safeguards against arbitrary denial of registration to INGOs without an opportunity for appeal.<sup>6</sup>

**2.5** The Human Rights Directorate of the Government of the Khyber Pakhtunkhwa province in the North Western region of Pakistan announced in November 2015 that all CSOs working on human rights must register with the Directorate or face punitive action.<sup>7</sup> This claim was unjustifiably made based on Article 7 of the state law Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014.<sup>8</sup>

---

<sup>2</sup> The Trust Act 1882. 13<sup>th</sup> of January 1882. <https://www.ma-law.org.pk/pdf/Trust%20Act,%201882.pdf>

<sup>3</sup> The Voluntary Social Welfare Agencies (Registration and Control Ordinance 1961) <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81785/88956/F1282834913/PAK81785.pdf>

<sup>4</sup> Companies Ordinance 1982. XLVII 1982. Securities and Exchange Commission Pakistan. <http://www.bu.edu/bucflp/files/2012/01/Companies-Ordinance-of-1984.pdf>

<sup>5</sup> Policy for Regulation of International Non-governmental Organisations (INGOs). [https://ingo.interior.gov.pk/INGO\\_Policy.docx](https://ingo.interior.gov.pk/INGO_Policy.docx)

<sup>6</sup> Policy for Regulation of International Non-governmental Organisations (INGOs). [https://ingo.interior.gov.pk/INGO\\_Policy.docx](https://ingo.interior.gov.pk/INGO_Policy.docx)

<sup>7</sup> Human Rights Directorate Disposes of 500 Complaints. <https://www.thenews.com.pk/print/85551-Human-Rights-Directorate-disposes-of-500-complaints>

<sup>8</sup> Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014. Provincial Assembly Khyber Pakhtunkhwa Pakistan. <http://www.pakp.gov.pk/2013/acts/the-khyber-pakhtunkhwa-promotion-protection-and-enforcement-of-human-rights-act2014/>

- 2.6** INGOs have reported wilful misapplication of the Policy for Regulation of International Non-governmental Organisations when applying for registration with The Ministry of Interior. The INGOs have reported being subject to targeted hurdles under the law including arbitrary requests for documentation from the preceding 5 to 10 years and fees for registration amounting to thousands of US dollars.<sup>9</sup> In June 2015, authorities ordered Save the Children, an INGO with operations in some 120 countries closed on grounds that it was working “against the country” but a few days later, the Ministry of Interior suspended the orders<sup>10</sup>. In November 2015, nine INGOs, including Save the Children, had their re-registration under the Policy for Regulation of International Non-governmental Organisations denied.<sup>11</sup>
- 2.7** A proposed Foreign Contributions Act was still pending Parliamentary approval by March 2017. In July 2016, national CSOs expressed concerns that the draft Foreign Contributions Act would restrict national and international organisations from receiving more than 1 million rupees (around 10,000USD), as they would need to obtain a certificate from the government entity, the Securities and Exchange Commission of Pakistan (SECP).<sup>12</sup> The draft Foreign Contributions Act excludes human rights and it is unclear whether this area will be unregulated by the proposed law or prohibited. Notably, the draft Foreign Contributions Act in its present form would empower authorities to arbitrarily deny or cancel permission to receive foreign funding for CSOs, and also impose other restrictions on freedom of association.<sup>13</sup>
- 2.8** The government entity, Securities and Exchange Commission of Pakistan (SECP), issued a Circular No. 02/2015 on 1 January 2015 requiring all non-for-profit companies registered under the Companies Ordinance to undergo a validation process in accordance with the National Action Plan on Counterterrorism. The justification given for this practice was to ensure that not-for-profit companies operating in Pakistan were not engaged in terrorist financing activities or misapplying their income and profits for objectives other than expressly pledged by them.<sup>14</sup> Under this process, the SECP revoked the licenses of 108 NGOs registered under the Companies Ordinance in April 2015.<sup>15</sup> The official reason for the revocation by SECP was that the NGOs had defaulted in filling their annual returns and accounts

---

<sup>9</sup> ICNL Civic Freedom Monitor: Pakistan. <http://www.icnl.org/research/monitor/pakistan.html>

<sup>10</sup> Govt allows foreign NGOs to continue operations for six months. Dawn. 16 June 2015. <https://www.dawn.com/news/1188556>

<sup>11</sup> Nine INGOs refused registration. The Express Tribune. 6 November 2015. <https://tribune.com.pk/story/986093/nine-ingos-refused-registration/>

<sup>12</sup> Civil society rejects foreign contribution bill. Dawn. 19 July 2016. <https://www.dawn.com/news/1271749>

<sup>13</sup> ICNL Civic Freedom Monitor: Pakistan. <http://www.icnl.org/research/monitor/pakistan.html>

<sup>14</sup> Application for Renewal of License under Section 42 of the Companies Ordinance, 1984. [http://www.jamapunji.pk/sites/default/files/Guide\\_RenewalOfLicenseApplication.pdf](http://www.jamapunji.pk/sites/default/files/Guide_RenewalOfLicenseApplication.pdf)

<sup>15</sup> SECP: Licenses of 108 Companies Revoked. The Express Tribune. 7 April 2015. <https://tribune.com.pk/story/865588/secp-licences-of-108-companies-revoked/>

and had also failed to apply for renewal of licenses within the specified time.<sup>16</sup> A month later, SECP revoked the licenses of another 100 NGOs for not complying with the companies law with the official justification from SECP that the NGOs partially failed to file their annual returns and apply for a renewal of their licenses “despite notices”.<sup>17</sup> These actions have created an atmosphere of uncertainty for civil society organisations operating in Pakistan and undermined development efforts.

**2.9** On 1 September 2016, the women’s rights group, Taangh Wasib Organisation (TWO), was shut down and 8 of its staff members were detained. TWO works to combat violence against women, religious intolerance and discriminatory laws in the Punjab province of Pakistan. While security officials informed staff that the closure was based on allegations that TWO had worked against the interests of Pakistan and preached Christianity security officials did not present any documentation to substantiate these claims.<sup>18</sup> Another civil society organisation, the Cholistan Development Council (CDC), was closed by the Social Welfare Department in 2016 without reason. CDC works to improve the rights of excluded groups in Southern Punjab.<sup>19</sup>

**2.10** Women’s rights groups also risk blasphemy accusations for working to improve women’s and girls’ rights. In January 2016, the Council of Islamic Ideology (the constitutional body that advises the legislature whether a bill is repugnant with Islam) rejected a bill, which was put forward by member of the National Assembly, Marvi Memon, to change the legal age of marriage from 16 to 18 years on grounds that it would constitute blasphemy. This decision has serious implications for civil society organisations and activists working to end child marriage, putting them at risk of prosecution under blasphemy charges. The offence of blasphemy continues to be criminalised in the Penal Code under articles 295, 295A, 295B, 295C, 298, 298A, 298B and 298C law. It can carry a maximum sentence of capital punishment.<sup>20</sup>

### **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*

---

<sup>16</sup> <https://www.secp.gov.pk/wp-content/uploads/2016/05/SECP-revokes-licences-of-another-100-NGOs.pdf>

<sup>17</sup> Ibid

<sup>18</sup> Harassment: Dr. Rubina Feroze Bhatti and Closure of her Organisation. Front Line Defenders. 7 September 2016. <https://www.frontlinedefenders.org/en/case/harassment-dr-rubina-feroze-bhatti-and-closure-her-organisation>

<sup>19</sup> From the Monitor but Cathal has asked partner for citation and details [the Cholistan Development Council \(CDC\)](#).

<sup>20</sup> Bill aiming to Ban Child Marriages Shot Down. The express Tribune. 16 January 2016.

<https://tribune.com.pk/story/1027742/settled-matter-bill-aiming-to-ban-child-marriages-shot-down/>

*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.
- 3.3** Blasphemy charges in Pakistan are widely used to target human rights defenders, civil society activists and journalists. Blasphemy is criminalised in the Penal Code under articles 295, 295A, 295B, 295C, 298, 298A, 298B and 298C.<sup>21</sup> In aggregate, these provisions create a web overbroad and arbitrary restrictions which can be invoked to suppress the work of human rights defenders. Article 298, for example, criminalises using words, sounds, gestures or placing any object with the deliberate intent of offending the religious beliefs on an individual.
- 3.4** There is a well-documented record of harassment, threats, attacks and killings against HRDs in the country. In 2014, human rights lawyer, Rashid Rehman, was shot for defending a person accused of blasphemy<sup>22</sup>; and in 2015, Sabeen Mahmud was killed for her public stance against religious extremism and her work on enforced disappearances.<sup>23</sup> In the last three years alone, terrorists have attacked and killed dozens of polio and other health workers, due to their legitimate work.<sup>24</sup>
- 3.5** On 1 February 2017, a complaint was filed to the Pakistan Federal Investigation Agency against five human rights defenders and bloggers claiming that they allegedly committed blasphemy online. The bloggers went missing for three weeks<sup>25</sup>.

---

<sup>21</sup> Pakistan Penal Code (Act XLV of 1860)

<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

<sup>22</sup> Rights Advocate Rashid Rehman Khan Gunned Down in Multan. Dawn. 8 May 2014.

<https://www.dawn.com/news/1104788>

<sup>23</sup> Pakistani Rights Activist Sabeen Mahmud Shot Dead. 25 April 2015.

<http://www.aljazeera.com/news/2015/04/pakistani-rights-activist-sabeen-mahmud-killed-150424210251526.html>

<sup>24</sup> Pakistani Polio Workers Under Attack Since 2012. The News. 23 April 2016.

<https://www.thenews.com.pk/print/114664-Pakistani-polio-workers-under-attack-since-2012>

<sup>25</sup> Salman Haider, other missing bloggers returns home. Abb Takk. <http://abbtakk.tv/en/salman-haider-other-missing-bloggers-return-home/> and Four abducted Pakistani rights activists return home. Voa. 28 January 2017. <http://www.voanews.com/a/pakistan-abducted-rights-activists-return-home/3696708.html>

- 3.6** In November 2015, unknown assailants in the Khyber Pakhtunkhwa province, murdered Zaman Mehsud, a senior journalist who also served as the President and Secretary General of the Tribal Union of Journalists, South Waziristan Chapter. He was riding his motorcycle when gunmen shot him 5 times.<sup>26</sup> According to the Committee to Protect Journalists, at least 15 journalists have been killed since 2012.<sup>27</sup>
- 3.7** Within the last year, the transgender rights movement has gained a lot of visibility through activities on the ground, media and social media. This has led to several attacks on HRDs working on transgender rights. According to reports, radical religious political parties in Khyber Pakhtunkhwa have established a joint action committee to stop the work and counter the transgender rights movement. According to a Pakistani CSO working on transgender rights, attacks and restrictions against the human rights defenders working on transgender rights include shooting<sup>28</sup>, threats to lives, online threats, sexual harassment, stalking, hacking of email and Facebook accounts, creation of fake pages in the name of trans activists and misusing them, beating, assaults by strangers<sup>29</sup>, aggressive police practices including taking off clothes, raping in police stations, shaving heads and eyes brows, locking up in male lockups and brutal torture<sup>30</sup>. The offices and residences of transgender activists have taken place and their peaceful activities and social gatherings have been closed down<sup>31</sup>. According to the Pakistani CSO working on transgender rights, the attacks and restrictions are motivated by a bias based that the transgender rights activists are causing a bad name to the country, promoting western culture, norm and agenda, interfering with the teaching of Islam and “dangerous for the social peace”. The CSO further reports that religious political parties have started a campaign portraying the support for transgender rights from a segment of media and politicians as a threatening and inferior group, posing a danger to public health and "traditional" structures, such as marriage and the family, which in return has increased the stigmatization discrimination and hate crimes against the movement.
- 3.8** Pakistan has also demonstrated its hostility towards HRDs through official interventions at the UN. In March 2016, Pakistan lobbied against a UN Human Rights Council resolution that sought greater protection for HRDs working in the fields of

---

<sup>26</sup> Tribal Journalist Zaman Mehsud Killed in Tank. Tribal Post. 3 November 2015.

<http://tribalpost.pk/topstory/1477/tribal-journalist-zaman-mehsud-killed-in-tank>

<sup>27</sup> 60 Journalists Killed in Pakistan since 1992/Motive Confirmed. Committee to Protect Journalists.

<https://cpj.org/killed/asia/pakistan/>

<sup>28</sup> Transgender activist critically injured after being shot multiple times in Peshawar. Tribune Express. 23 May 2016. <https://tribune.com.pk/story/1108588/transgender-activist-critically-injured-shot-multiple-times-peshawar/>

<sup>29</sup> Out on the streets: transgender people continue to face adversaries. Express Tribune. 21 February 2016.

<https://tribune.com.pk/story/1051099/out-on-the-streets-transgender-people-continue-to-face-adversities/>

<sup>30</sup> Police brutality: people who are transgender speak out. Tribune Express. 22 March 2016.

<https://tribune.com.pk/story/1070137/police-brutality-people-who-are-transgender-speak-out/>

<sup>31</sup> Transvestites face humiliation, violence. Dawn. 24 May 2016. <https://www.dawn.com/news/1260313>



economic, social and cultural rights<sup>32</sup>. In December 2015, Pakistan was one of only 14 states that voted against the UN General Assembly resolution on HRDs. On both these forums, Pakistan argued that human rights defenders are not a special group and do not warrant special legal status. They claimed the recognition and protection of human rights defenders was a conspiracy by Western countries to interfere in the domestic affairs of developing countries. This stance is contradictory to Pakistan's commitment to implement recommendations it received on the protection of human rights defenders during its last UPR.

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

- 4.1** Under the 2<sup>nd</sup> 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.
- 4.3** The Prevention of Electronic Crimes Act 2015, adopted in August 2016, can force Internet companies to remove or block access to any “speech, sound, data, writing, image or video” without court approval.<sup>33</sup> The vague and overbroad nature of these provisions leaves scope for arbitrary and subjective application, online censorship and limits to access to information.
- 4.4** In December 2016, 3 bloggers were arrested and charged under The Prevention of Electronic Crimes Act 2015 after taking part in the social media campaign against the Supreme Court’s incoming Chief Justice, Mian Saqib Nisar. Thousands had

---

<sup>32</sup> Protecting human rights defenders addressing, economic, social and cultural rights. Office of the High Commissioner for Human Rights. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/31/L.28](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/L.28)

<sup>33</sup> Bill to Make Provisions on Preventions on Electronic Crimes. 11 August 2016. [http://www.na.gov.pk/uploads/documents/1470910659\\_707.pdf](http://www.na.gov.pk/uploads/documents/1470910659_707.pdf)

participated in this campaign online against the Chief Justice.<sup>34</sup> Following the arrest of the bloggers, many activists began self-censoring their expression online to avoid persecution.<sup>35</sup>

- 4.5 Media workers in Pakistan are harassed, abducted and sometimes murdered for their work. Media workers reporting on national security issues are particularly at risk. Out of fear of reprisals from intelligence agencies and armed groups, many journalists reportedly practice self-censorship.
- 4.6 The Pakistan Electronic Regulatory Authority has restricted media through the application of the Code of Conduct for TV channels, requiring them not to air material deemed to conflict with Islam or the founding fathers of Pakistan.<sup>36</sup>

## 5. (E) Freedom of peaceful assembly

- 5.1 During Pakistan's examination under the 2<sup>nd</sup> 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 28<sup>th</sup> UPR session.
- 5.2 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.
- 5.3 The Pakistan Penal Code 1860, Police Order 2002, Criminal Procedure Code 1898 and West Pakistan Ordinance xxxi of 1960 all address aspects of freedom of assembly.<sup>37</sup> According to Section 120 of the Penal Code, all assemblies must obtain a permit beforehand by the Head of District Police or the Assistant or Deputy Superintendent of Police. For that reason, spontaneous assemblies are not allowed. The police can refuse to give the permit if they deem that the assembly could cause a breach of the peace.<sup>38</sup>

---

<sup>34</sup> Bloggers Arrested Pakistan Posting Face Images Online. Propakistani. December 2016.

<https://propakistani.pk/2017/01/01/bloggers-arrested-pakistan-posting-fake-images-online/>

<sup>35</sup> Fear of Online Crackdown After Pakistan Bloggers Vanish. Mail Online. 10 January 2017.

<http://www.dailymail.co.uk/wires/afp/article-4105020/HRW-urges-Pakistan-investigate-bloggers-abduction.html>

<sup>36</sup> Pemra Issues Guidelines for TV Channels. 22 August 2015. <https://www.dawn.com/news/1202088>

<sup>37</sup> Pakistan Penal Code (Act XLV of 1860)

<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

<sup>38</sup> Ibid

- 5.4 In October 2016, police carried out mass arbitrary arrests and fired tear gas and rubber bullets at protestors supporting the opposition Tehreek-e-Insaf party. On 31 October 2016, the leaders of the party were arrested for one day.<sup>39</sup> In response to the protests, the federal government banned all public gatherings in the capital, Islamabad, for two months.<sup>40</sup>
- 5.5 Freedom of assembly is not only compromised in Pakistan due to restrictions by the government but also by extremist non-state actors. 13 people were killed and 85 injured on 16 February 2017, when a suicide bomber attacked a sit-in by a large group of chemists and pharmaceutical manufacturers in front of the provincial assembly in the city of Lahore in Punjab to protest a government crackdown against the sale of illegal drugs.<sup>41</sup>

## 6. (F) 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:

### 6.1 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.

---

<sup>39</sup> Police Clash with PTI Supporters on Peshawar-Islamabad Motorway. The Express Tribune. 31 October 2016. <https://tribune.com.pk/story/1216121/pti-leader-arif-alvi-arrested-outside-imrans-bani-gala-residence/>

<sup>40</sup> Federal Administration Bars Wedding Halls, Restaurants From Providing Services to PTI Workers. Pakistan Today. 27 October 2017. <http://www.pakistantoday.com.pk/2016/10/27/federal-administration-bars-wedding-halls-restaurants-from-providing-services-to-pti-workers/>

<sup>41</sup> Senior police officer among 13 killed as suicide bomber strikes Lahore. Dawn. 16 February 2017. <https://www.dawn.com/news/1314549>

- 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.

## **6.2 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

### **6.3 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.

#### **6.4 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.

### **6.5 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.
- Include civil society organizations in the UPR process before finalizing and submitting the national report.
- 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.

