



**FIDH - International Federation for Human Rights**  
*and its member organization for Pakistan*  
**Human Rights Commission of Pakistan (HRCP)**

**Update for the 8th European Union (EU) – Pakistan Joint Commission’s Sub-Group on  
Governance and Human Rights  
13 November 2018, Islamabad, Pakistan**

**Key human rights issues of concern**

- 1... July 2018 elections highlight need for improvements
- 2... Enforced disappearances skyrocket amid almost absolute impunity
- 3... Pakistan still among world’s top executioners
- 4... Fair trial rights denied by military and anti-terrorism courts
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**July 2018 elections highlight need for improvements**

Although the 25 July 2018 general elections were held on time and remained, by and large, peaceful, the unprecedented delay in reporting the results by several days cast a shadow over the electoral process. The alleged failure of the Results Transmission System, compounded by the reluctance of the Election Commission of Pakistan (ECP) to take effective responsibility, raised questions about the fairness of the elections.

Moreover, the performance of the ECP highlighted flaws in the election administration process. Across a sample of 67 constituencies, where HRCP monitored the polls, reports of irregularities – such as ballots being counted in the absence of polling agents and observers, and shortages of ‘Form 45’ recording the statement of the ballot count – emerged in at least 12 constituencies. Additionally, voters were unclear on where to vote, and many polling stations were too small to accommodate the number of voters, resulting in long lines that prevented some voters from casting their ballots. These issues were compounded by ill-trained staff in polling stations.

The ECP also requested the army to provide security at polling stations during the elections. Of notable concern was the fact that over five times as many army personnel were deployed both inside and outside polling stations as during the 2013 general elections, which occurred in significantly more difficult security conditions.<sup>1</sup> Election observers were particularly

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<sup>1</sup> European Union, “Preliminary Statement of the EU EOM Pakistan 2018,” 28 July 2018, [https://eeas.europa.eu/election-observation-missions/eom-pakistan-2018\\_en/49032/Preliminary%20Statement%20of%20the%20EU%20EOM%20Pakistan%202018](https://eeas.europa.eu/election-observation-missions/eom-pakistan-2018_en/49032/Preliminary%20Statement%20of%20the%20EU%20EOM%20Pakistan%202018)

concerned about the overwhelming presence of army personnel inside polling booths, in addition to them being granted the powers of a lower court judge, among other issues.<sup>2</sup>

Prior to the July 2018, 12 million women did not have national ID cards and could not register to vote in elections. Although some 3.2 million women were given emergency ID cards in order to allow them to vote in the elections, this left millions effectively disenfranchised. Moreover, while there were some positive developments, such as in Dir District, Khyber Pakhtunkhwa Province, where women voted for the first time in Pakistan's history, in two constituencies the elections were declared invalid because women's turnout was less than 10%, highlighting the extensive obstacles women still face when trying to vote. Complaints were also consistently received that women were denied the right to cast a ballot in many areas.

The authorities also failed to facilitate physically disabled people's access to polling stations. In several cases, observers reported that disabled voters had been assigned to polling booths that were not situated on the ground floor.

### Recommendations

The EU should call on the Pakistani government to:

- Enact reforms to the electoral system to ensure that flaws in the electoral process are addressed before future elections.
- Ensure that obstacles to voting faced by women, people with disabilities, and other vulnerable groups are removed before future elections.

### **Enforced disappearances skyrocket amid almost absolute impunity**

Pakistan continues to record extremely high levels of enforced disappearances by, or with the acquiescence of, state agencies. For the period since its inception in March 2011 to 31 July 2018, the government-appointed Commission of Inquiry on Enforced Disappearances (CIED) has received 5,290 cases. In August 2018, it received 59 new cases and, as of 31 August 2018, the CIED had 1,830 cases pending.<sup>3</sup> While the CIED has officially resolved many cases, human rights groups believe that the actual number of enforced disappearances is far higher than the official figures reflect. In addition, the CIED continues to be afforded insufficient power and resources to effectively carry out its mandate, especially in terms of establishing a transparent process in which the details of such cases and the perpetrators involved are disclosed to the public.

Investigations into reports of enforced disappearances, and associated torture and killings, are either non-existent or ineffective. Families of victims have not received compensation and have been routinely threatened and intimidated when they have attempted to seek justice. Existing legislation, such as the 2011 Actions (in Aid of Civil Powers) Regulations, increases the risk of enforced disappearance, because it allows the army to detain suspects indefinitely, without a warrant, judicial supervision or due process in internment centers supposed to be run by the government but that are effectively run by the army.

In July 2018, in a landmark judgment in the case of the disappearance of IT expert and software developer Sajid Mehmood, the Islamabad High Court ruled that officials involved in enforced disappearances would be subject to criminal sanctions and may be charged under the Anti-Terrorism Act (ACT).<sup>4</sup> In its judgment, the High Court used a definition of enforced

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<sup>2</sup> Ibid

<sup>3</sup> [http://coioed.pk/press\\_release/](http://coioed.pk/press_release/).

<sup>4</sup> Dawn, "Enforced disappearance may attract provisions defined under ATA: IHC," 12 July 2018, <https://www.dawn.com/news/1419433>.

disappearances in line with the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), despite Pakistan not having ratified it.

In August 2018, during a briefing before the Senate's Functional Committee on Human Rights, the CIED Chair stated that "action" had been taken against about 200 state agency personnel, but would not reveal any details unless the information was disclosed to Senate Committee members in camera.<sup>5</sup> Meanwhile, the fact-finding report of the committee constituted by the Ministry of Interior to investigate allegations of enforced disappearances, although finalized in 2010, has still not been made public.

During the third Universal Periodic Review (UPR) of Pakistan, held in November 2017, the government did not accept recommendations it received regarding ratification of the ICCPED, although it accepted two recommendations that called for investigations into allegations of enforced disappearances.

### Recommendations

The EU should call on the Pakistani government to:

- Ratify the ICCPED and effectively criminalize enforced disappearances.
- Amend the 2011 Actions (in Aid of Civil Powers) Regulations in order to limit detention without charge, without judicial supervision or due process in line with international standards.
- Provide the CIED with the necessary capacity, resources, and support to effectively carry out its mandate.
- Make public the fact-finding report on allegations of enforced disappearances finalized by the Ministry of Interior's committee without delay.
- Conduct effective investigations into enforced disappearances and associated crimes, hold the perpetrators accountable, and provide commensurate reparations to victims and their families.

### **Pakistan still among world's top executioners**

Pakistan continues to apply the death penalty in contravention of its international obligations, in particular under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Between 1 January 2018 and 15 October 2018, at least 10 people were executed and at least 124 people were sentenced to death, making Pakistan one of the world's top five executing countries. In 2017, at least 60 people were executed and over 200 people received death sentences.<sup>6</sup> As of October 2018, at least 4,700 people remained on death row.

Pakistani legislation proscribes the death penalty for more than 27 crimes, most of which do not meet the "most serious crimes" standard, such as blasphemy [see below, *Freedom of religion swept under the rug*].<sup>7</sup> In addition, the death penalty remains applicable to individuals who were minors at the time of the crime and to the mentally disabled. The imposition of the death penalty on children is in contravention of Pakistan's obligations under the Convention on the Rights of the Child. Furthermore, presidential clemency continues to be denied to those on death row.

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<sup>5</sup> Daily Times, "Enforced disappearances: how the state of Pakistan has failed," (opinion) 30 August 2018, <https://dailytimes.com.pk/290078/enforced-disappearances-how-the-state-of-pakistan-has-failed/>.

<sup>6</sup> Amnesty International, "Death Sentences and Executions 2017," <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>.

<sup>7</sup> For a full list of offenses subject to the death penalty, see: <http://hrcp-web.org/hrpweb/death-penalty-offences/>.

Many executions in Pakistan are the result of unfair proceedings marred by inconclusive evidence and allegations of torture to extort confessions. This is particularly the case for the military and anti-terrorism courts [see below, *Fair trial rights denied by military and anti-terrorism courts*].

During its 2017 UPR, the government did not accept any of the 34 recommendations it received concerning the death penalty. These included 22 recommendations that called for the reinstatement of the moratorium on capital punishment, eight that called for the ratification of the Second Optional Protocol to the ICCPR (ICCPR-OP2), and four that urged an end to the imposition of the death penalty on juveniles and their executions.<sup>8</sup>

### Recommendations

The EU should call on the Pakistani government to:

- Reinstatement the moratorium on the death penalty and ratify the Second Optional Protocol to the ICCPR (ICCPR-OP2).
- Abolish the death sentence for crimes which do not meet the “most serious crimes” standard as an initial step for the abolition of capital punishment for all crimes.
- Abolish the mandatory death penalty and ensure that under no circumstances is the death penalty to be imposed on minors or the mentally disabled.

### **Fair trial rights denied by military and anti-terrorism courts**

Pakistan’s use of military and anti-terrorism courts continues to contravene international human rights standards, in particular the right to a fair trial under the ICCPR. In January 2015, the jurisdiction of military courts to try civilians suspected of terrorism-related offenses was extended by Parliament to 22 March 2017, ostensibly due to the backlog of cases in the anti-terrorism courts. The jurisdiction was further extended until 6 January 2019.

Between January 2017 and October 2018, military courts sentenced at least 18 people to death and at least 43 people were executed after convictions by military courts.<sup>9</sup> The trials of civilians before military courts are held in secret. Defendants are not given an effective right to engage legal counsel or to appeal their cases before civilian courts.<sup>10</sup> The charges and evidence against them are not made public and written judgments, including the court’s findings and legal reasoning, are not disclosed.<sup>11</sup>

Suspects tried by military courts are often detained in undisclosed locations and without access to their families or a lawyer, which increases the risk of torture.<sup>12</sup> It is estimated that 95% of civilian convictions by military courts are based on confessions.<sup>13</sup> Furthermore, the 1952 Pakistan Army Act allows for children to be tried by military courts, notwithstanding the

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<sup>8</sup> FIDH, “Government’s lack of commitment at UN rights review a missed opportunity,” 15 March 2018, <https://www.fidh.org/en/region/asia/pakistan/government-s-lack-of-commitment-at-un-rights-review-a-missed>.

<sup>9</sup> HCRP Database.

<sup>10</sup> Individuals convicted by military courts can only appeal to the Military Appellate Tribunal; See International Commission of Jurists (ICJ) and Human Rights Commission of Pakistan (HRCP), *Joint Submission to the Committee on Torture on the first periodic report of Pakistan*, March 2017, paras 25 and 32; ICJ, *Military Injustice in Pakistan: Questions and Answers*, December 2016, question 4. See also, ICJ, *Military Injustice in Pakistan: A Briefing Paper*, June 2016.

<sup>11</sup> International Commission of Jurists (ICJ) and Human Rights Commission of Pakistan (HRCP), *Joint Submission to the Committee on Torture on the first periodic report of Pakistan*, March 2017, para 32; ICJ, *Military Injustice in Pakistan: Questions and Answers*, December 2016, question 4. See also ICJ, *Military Injustice in Pakistan: A Briefing Paper*, June 2016

<sup>12</sup> International Commission of Jurists (ICJ) and Human Rights Commission of Pakistan (HRCP), *Joint Submission to the Committee on Torture on the first periodic report of Pakistan*, March 2017, para 25.

<sup>13</sup> International Commission of Jurists (ICJ) and Human Rights Commission of Pakistan (HRC), *Joint Submission to the Committee on Torture on the first periodic report of Pakistan*, March 2017, para 24.

2000 Juvenile Justice System Ordinance, which gives juvenile courts exclusive jurisdiction over minors and prohibits courts from imposing death sentences on juvenile offenders. During the third UPR of Pakistan in November 2017, the government refused to accept two recommendations that called for an end of the use of military courts for trials of civilians.

The anti-terrorism courts, established under the 1997 Anti-Terrorism Act, are civilian courts that have jurisdiction over certain offenses under the Criminal Code in connection with alleged acts of terrorism.<sup>14</sup> Between January 2017 and October 2018, the anti-terrorism courts imposed 37 death sentences.<sup>15</sup>

Anti-terrorism courts hold some trials in secret. This raises the same concerns noted for military courts with regard to procedural safeguards. Under Article 21(h) of the 1997 Anti-Terrorism Act, confessions made in police custody are admissible as evidence before anti-terrorism courts, in violation of Pakistan's obligations under Article 15 of the CAT. In addition, under Article 3 of the 2002 Anti-Terrorism (Second Amendment) Ordinance, authorities continue to be granted discretion to detain those listed on the government's "terrorism list" for up to one year without charges.

### Recommendations

The EU should call on the Pakistani government to:

- Abolish the jurisdiction of military courts for trials of civilians.
- Ensure that defendants before the military courts are granted access to legal counsel and entitled to appeal their cases before civilian courts; and that the charges and evidence against them, along with the resulting judgments, are made public.
- Ensure that trials before the military and anti-terrorism courts are not held in secret.
- Ensure that suspects are not held in secret detention and are granted access to their families and to a lawyer.
- Ensure that coerced confessions are not admitted as evidence before any courts.
- Ensure that the military and anti-terrorism courts do not, under any circumstances, try persons who were minors at the time an alleged crime occurred.
- Remove the ability of authorities to detain those listed on the "terrorism list" for up to one year without charges.
- Remove the military and anti-terrorism courts' authority to impose the death penalty.

### Freedom of expression and association under siege

Freedom of expression has long been stifled in Pakistan, particular with regard to criticism of the government, its policies, and Islam. Journalists, bloggers, human rights defenders, and political dissidents have been subjected to ongoing harassment and intimidation, arbitrary detention, torture, killing and enforced disappearance as a result of their criticism of the government. According to witnesses, on 5 June 2018, journalist and human rights activist Gul Bukhari was abducted by men in army uniforms in Lahore. Despite her release several hours later, no investigation on her abduction is known to have taken place.

After doing an interview with former Prime Minister Nawaz Sharif in May 2018, in late September the Lahore High Court issued an arrest warrant for *Dawn* journalist Cyril Almeida and banned him from travelling abroad.<sup>16</sup> While the arrest warrant was later withdrawn,

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<sup>14</sup> Under the Anti-Terrorism Act, the definition of "terrorism" is overly broad and includes committing acts such as "civil commotion". The Act has been expanded through successive amendments to cover offenses involving arms trafficking, kidnapping, extortion, sectarian violence, and targeted political killings.

<sup>15</sup> HRC Database.

<sup>16</sup> Sharif is accused of having defamed state institutions in the interview by alleging a link between the Pakistani military and armed groups. The defamation accusations have spread to Almeida, as the journalist reporting Sharif's comments.

these acts of harassment had a chilling effect on journalists, who now believe they can be charged with treason merely for doing their jobs.

Following the publication of the interview with Mr. Sharif on 12 May 2018, sales agents alleged that the distribution of *Dawn* was disrupted in at least 20 cities and towns on a daily basis – specifically in areas near military and police facilities. In April 2018, *Geo TV* was taken off the air across much of the country by local cable operators without warning, and only allowed back on the air allegedly after negotiations with the military to “make changes in political coverage.”<sup>17</sup>

Online freedom of expression and the right to privacy have been significantly constrained under the 2016 Prevention of Electronic Crimes Act (PECA). PECA grants the Pakistan Telecommunication Authority, the state body responsible for regulating telecommunications, the ability to monitor and censor online content, requires service providers to retain mass data which can be accessed by the government with no privacy protection, and allows websites to be shut down on the basis of vague criteria. In addition, the Electronic Media Regulatory Authority, the state body which regulates broadcast media, is subject to insufficient oversight mechanisms or procedural safeguards. Article 295(c) of the Criminal Code, which criminalizes ‘blasphemy [see below, *Freedom of religion swept under the rug*], is another tool in the government’s legal arsenal to curb dissent.

Freedom of association has equally come under fire in Pakistan. The shrinking space for civil society has been illustrated by the ongoing arbitrary closure of human rights non-governmental organizations (NGOs) and other acts of intimidation and harassment against them. These acts included routine visits by security and intelligence agents. In early October 2018, the government ordered 18 foreign aid groups, including ActionAid and Save the Children, to cease their operations and leave the country, after the organizations lost an appeal against a 2017 expulsion order. This followed a 2015 request that all foreign aid and advocacy organizations renew their registrations, ostensibly to better monitor their operations.

During its 2017 UPR, the government accepted only four of the seven recommendations that called for the adoption of measures to protect journalists and combat impunity and only three of the six recommendations that called for the protection of human rights defenders. The government did not accept any of the 14 recommendations that called for the repeal or amendment of blasphemy laws, or a recommendation that called on the government to take steps to protect freedom of expression online.

### Recommendations

The EU should call on the Pakistani government to:

- Respect the right to freedom of expression and the right to privacy, in particular with regard to online material.
- Take urgent action to protect the lives and rights of journalists, bloggers, human rights defenders, and political dissidents.
- Amend the PECA to bring it in line with international standards.
- Amend Article 295(c) of the Criminal Code (‘blasphemy’) to ensure that its provisions are in accordance with international law.
- Put an end to the arbitrary closure and expulsion of NGOs and to all acts of intimidation and harassment against their staff and ensure that they can enjoy their right to freedom of association.

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<sup>17</sup> Reuters, “Exclusive: Pakistan TV channel returning to air after negotiations with military – sources,” 18 April 2018, <https://www.reuters.com/article/us-pakistan-media-exclusive/exclusive-pakistan-tv-channel-returning-to-air-after-negotiations-with-military-sources-idUSKBN1HP2WV>.

## **Widespread failure to uphold women's rights**

Pakistan continues to fail to adequately protect and fulfill women's rights, in contravention of its obligations under various international human rights conventions to which it is a state party.<sup>18</sup> Despite the adoption in 2016 of amendments to criminal law criminalizing rape<sup>19</sup> and honor killings,<sup>20</sup> violence against women continues and effective access to justice for victims of rape and honor killings remains an unfulfilled objective. In September 2018, a father confessed to killing his daughter, her children, and her husband in Hafizabad, Punjab Province, because she had married a man of her own choice.<sup>21</sup> In the same month, a woman and her teenage neighbor were strangled by the woman's husband with the help of her father in Karachi after being suspected of engaging in an extra-marital affair.<sup>22</sup>

Safeguards in place to protect women from domestic violence also remain inadequate and prosecution rates for domestic violence remain very low. This is largely due to low reporting rates as a result of the harassment and intimidation of women to discourage them from making complaints.

In addition, the criminalization of abortion continues to lead to high levels of maternal mortality. Voluntary termination of pregnancy is permitted where necessary to save the life of the woman or to provide necessary treatment, but insufficient education surrounding this, both within the general population and the medical profession, continues to result in a large number of women who seek unsafe abortion practices.

Many women in Pakistan still do not have national ID cards, which impedes their ability to exercise their rights, including the right to vote [see above, *July 2018 elections highlight need for improvements*].

### Recommendations

The EU should call on the Pakistani government to:

- Ensure effective implementation of the 2016 amendments criminalizing rape and honor killings and ensure effective access to justice for victims.
- Encourage the reporting of domestic violence, and ensure that effective investigations, prosecutions, and convictions of such crimes occur. Victims should be provided adequate and effective assistance during the reporting process and reparations.
- Revise legislation that unduly restricts access to the voluntary termination of pregnancy; improve provision of appropriate education with regard to sexual and reproductive health; and improve provision of adequate and widespread access to contraception.
- Improve conditions under which all Pakistani women have access to national ID cards.

## **Child rights remain unaddressed**

Abuses of child rights in Pakistan continue, in violation of the country's obligations under various international instruments.<sup>23</sup> In addition to child marriage and the forced labor of

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<sup>18</sup> The International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the ILO Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100, and the ILO Convention concerning Discrimination in Respect of Employment and Occupation, No. 111.

<sup>19</sup> Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016.

<sup>20</sup> Criminal Law (Amendment) (Offences in the name or pretext of Honour) Act, 2016.

<sup>21</sup> Dawn, "Hafizabad man murders daughter, son-in-law and grandsons over 'honour': police," 8 September 2018, <https://www.dawn.com/news/1431707>.

<sup>22</sup> Dawn, "Man held for killing wife, neighbour 'for honour' in Karachi," 10 September 2018, <https://www.dawn.com/news/1431962>.

<sup>23</sup> The International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the ILO Convention concerning Forced or Compulsory Labour, No. 29, the ILO Convention concerning the Abolition of Forced Labour, No. 105, the ILO Convention concerning Minimum Age for Admission to Employment, No. 138

children, a number of juvenile executions have been carried out in the past few years [see above, *Pakistan still among world's top executioners*]. Children have also been subjected to torture in police custody. Children continue to be disproportionately affected by sectarian violence, especially through their use as suicide bombers by extremist groups.

Child sexual abuse remains prevalent and goes largely unpunished. An independent body tasked with protecting and promoting the rights of children in Pakistan has yet to be established, despite its formation being mandated by the National Commission on the Rights of the Child Act, adopted by the National Assembly in February 2017.

The practice of child marriage and forced marriage remains entrenched in Pakistan, with 21% of girls married before the age of 18, according to UNICEF statistics.<sup>24</sup> With the exception of Sindh Province, where the minimum age for marriage for girls is set at 18, the minimum age for marriage for girls is 16 years, and no legislative action has been attempted to raise the minimum age since January 2016.<sup>25</sup> During its 2017 UPR, the government did not accept four recommendations that called for the raising of the minimum age to 18.

Children continue to be subjected to forced labor in Pakistan, in conditions that are akin to slavery. This is particularly the case in the brick kiln industry and in domestic labor. Labor laws do not cover domestic workers, including child domestic workers. Due to insufficient labor investigations, perpetrators are rarely brought to justice and victims are denied adequate reparations and assistance.

### Recommendations

The EU should call on the Pakistani government to:

- Ensure legislative action is taken that would raise the minimum age for marriage to 18 years old for girls nationwide.
- Ensure that instances of child sexual abuse are properly investigated, that perpetrators are prosecuted and convicted, and that victims are afforded adequate and effective reparations and reintegration assistance.
- Ensure the enforcement of labor laws and place strict regulations on safe working conditions.
- Put an end to child labor by carrying out efficient labor investigations and prosecuting and convicting those responsible for abuses.

### **Freedom of religion swept under the rug**

Religious minorities in Pakistan, including Hindus, Christians, Sikhs, Ahmadis, and Shi'a Muslims, continue to face high levels of discrimination. In early September 2018, an economic adviser to the government, Atif Mian, an Ahmadi follower, was forced to step down due to pressure from Muslim clerics.

Of particular concern is the ongoing use of Article 295(c) of the Criminal Code ('blasphemy'), the vague provisions of which have been used to target those critical of Islam and members of minority religious communities. Violations of Article 295(c) prescribe the mandatory death penalty. In September 2018, a faith healer in Sahiwal, Punjab Province, was sentenced to death and fined 50,000 RS (€330) on charges of blasphemy. A 47-year-old Pakistani Christian woman, Aasia Bibi, was incarcerated after receiving a death sentence in 2010 for

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and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182.

<sup>24</sup> <https://www.girlsnotbrides.org/child-marriage/pakistan/>.

<sup>25</sup> In January 2016, a proposal was submitted to Parliament to raise the minimum age for marriage to 18 for both males and females across the country. On 14 January 2016, the proposal was withdrawn following pressure from the Council of Islamic Ideology, which labeled the proposal as "anti-Islamic and blasphemous."

committing blasphemy. After she was acquitted by the Supreme Court in October 2018 following her final plea against execution, far-right political-religious groups held demonstrations against the verdict and issued threats against members of the judiciary.

According to the US Commission on International Religious Freedom, at least 40 people are on death row or are serving life sentences for blasphemy, while hundreds more await trial.<sup>26</sup> Judges who hear blasphemy cases are reportedly harassed, intimidated, and threatened as a form of pressure to deliver guilty verdicts. Lawyers also face threats and harassments in an effort to discourage them from representing those accused of blasphemy.<sup>27</sup>

There has also been increasing concern about the lack of safeguards to prevent abuse of the blasphemy law for personal benefit. To address this issue have been inadequate. In March 2018, the Senate's Functional Committee on Human Rights recommended that offenders who file a false case under Article 295(c) be given the same punishment provided for the offense under this clause. This development came after an August 2017 request by the Islamabad High Court to Parliament to amend Article 295(c) to prevent misuse.

During Pakistan's third UPR review in November 2017, the government did not accept any of the 10 recommendations that called for the adoption of measures aimed at protecting religious minorities and the right to freedom of religion or belief. The government's commitment was limited to investigating all reports of violence against religious minorities and bringing those responsible to justice.

### Recommendations

The EU should call on the Pakistani government to:

- Repeal or amend Article 295(c) of the Criminal Code ('blasphemy') and other legislative provisions that discriminate on the basis of religion in order to bring such legislation in line with Pakistan's obligations under the ICCPR.
- Release all individuals currently detained under Article 295(c) for the sole exercise of their right to freedom of opinion and expression.
- Adopt legislative measures aimed at protecting minority religious communities and protect and promote the right to freedom of religion or belief.

### **LGBTI individuals in need of greater protection**

Although there have been improvements in recent years concerning the protection of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals, the community remains persecuted and subject to violence throughout Pakistan, due to deeply entrenched social prejudice.

On 8 May 2018, Parliament passed the Transgender Persons (Protection of Rights) Act, which allows transgender individuals to self-identify as male, female or a combination of the two, and to have that choice reflected on ID cards. Moreover, for the first time in Pakistan, three transgender candidates ran for seats in the National Assembly and two for seats in provincial legislatures during Pakistan's July 2018 elections.

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<sup>26</sup> US Commission on International Religious Freedom, Annual Report 2018, [https://www.uscirf.gov/sites/default/files/Tier1\\_PAKISTAN.pdf](https://www.uscirf.gov/sites/default/files/Tier1_PAKISTAN.pdf).

<sup>27</sup> See UN General Assembly, "Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaut" (4 April 2013), A/HRC/23/43/Add.2, p. 13; International Commission of Jurists, "On Trial: The Implementation of Pakistan's Blasphemy Laws" (November 2015), pp 33 – 34, 38 – 39; UN Human Rights Committee, "Concluding observations on the initial report of Pakistan" (23 August 2017), CCPR/C/PAK/CO/1, para 33.

Despite these positive developments, during Pakistan's third UPR review in November 2017, the Pakistani government failed to accept all seven recommendations that called for the protection of LGBTI individuals from violence and discrimination and for the protection of their rights.

#### Recommendations

The EU should call on the Pakistani government to:

- Amend legislation to decriminalize homosexuality and consensual same-sex sexual relations.
- Enact legislation to protect all LGBTI individuals from violence and discrimination.