

## **Stakeholders Submission concerning the Universal Periodic Review of Pakistan**

**Submitted by the Asian Legal Resource Centre and Action by  
Christians Against Torture France**

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The ALRC is a regional NGO with general consultative ECOSOC status. It was founded in 1986 by a prominent group of jurists and human rights activists in Asia, and is committed to the development of legal self-reliance and empowerment of people. It conducts research concerning human rights from the perspective of the functioning of states' institutions of the rule of law and justice delivery mechanisms, and issues reports and conducts local and international advocacy with the aim of protecting human rights and combatting impunity across Asia.

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ACAT-France is a human rights organisation fighting against torture since 1974 by documenting this practice throughout the world, advocating for its eradication and raising awareness among the public opinion. It brings assistance to victims of torture seeking asylum in France and lodges complaints and communications before the international courts and UN mechanisms.

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## **I. Introduction**

1. When Pakistan first underwent the Universal Periodic Review (UPR) in 2008, the country was beset by widespread political turmoil. On November 3, 2007, military President Pervez Musharraf placed the country under emergency rule, suspending Pakistan's constitution and fundamental rights, and fired the Chief Justice of the Supreme Court, placing him and other judges under house arrest. The army imposed a media crack-down, closing independent television and radio channels. Protests by lawyers had been running since the Chief Justice had first been suspended in March 2007. They were met by repression, arbitrary arrests and detention, and even torture and killings of lawyers. Unrest increased following the assassination of former-Prime Minister and leader of the Pakistan Peoples Party (PPP), Ms. Benazir Bhutto, on December 27, 2007, prior to general elections on February 18, 2008. Following efforts to impeach him, President Musharraf finally resigned in August 18, 2008.
2. Since then the PPP-led government - under President Asif Ali Zardari and Prime Minister Yousaf Raza Gillani - has made some efforts to improve the protection of human rights. The lifting of the State of Emergency, the end of the judicial crisis and efforts to improve the country's normative and legal framework are welcome. However, continuing political instability, the frailty and failure of the country's institutions of the rule of law, ongoing impunity enjoyed by perpetrators of violations - notably the police, military and intelligence services - and persisting grave human rights violations, along with the serious humanitarian problems associated with Pakistan's worst-ever floods in 2010 and 2011, mean that the human rights and security situation in Pakistan remains one of the worst in the world. Widespread corruption, religious extremism, armed conflict, terrorism and counter-terrorism, allied with weak institutions, engender grave abuses such as torture, forced disappearance, extra-judicial killings, and attacks and discrimination against religious minorities and women, accompanied by impunity.

## **II. Developments to the normative and institutional framework since the first UPR review**

3. There have been noteworthy advances to the country's normative framework, including the ratification of the Convention against Torture (CAT) and the International Convention on Civil and Political Right (ICCPR). The subsequent partial lifting on September 20, 2011 of reservations on June 23, 2010, is welcome.
4. Despite having accepted recommendations to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), this has not yet been done, despite numerous disappearances continuing to be reported.
5. Many of the fundamental rights enshrined in these instruments continue to be widely violated, with impunity, in Pakistan, including the protections from torture, forced disappearance and extra-judicial killing.

6. The 18th amendment to Pakistan's constitution, adopted by parliament on April 8, 2010, deleted the amendments made to the constitution by the country's previous military rulers and devolved many of the federal government's powers to the provinces. Under this devolution, provinces would have greater control of resources and budget allocations, concerning for example education and other key governmental programmes. Previously, the armed forces had appropriated significant amounts of the national budget, which could now be spent on such programmes and development activities at the provincial level. Furthermore, under the 18<sup>th</sup> amendment, fundamental rights enshrined in the constitution can no longer be abrogated by any institution or on any pretext, which is a significant development, given past suspensions of such rights. However, the implementation of these provisions faces numerous obstacles.
7. Violations remain widespread due to failings with and a lack of reforms to the country's institutional framework, in particular key institutions of the rule of law - the police, prosecution and judiciary. This is compounded by persisting impunity enjoyed by Pakistan's military and intelligence agencies. The lack of effective investigations by the police and the lack of effective prosecutions in rare cases where alleged perpetrators are brought to court, mean that violations continue to go unpunished, in particular where those responsible are state agents or members of powerful groups. The Government of Pakistan (GoP) has thus far failed to take effective action to implement the recommendations made to ensure fair trials, punish cases of abuse by the security forces or ensure that victims have access to protection and redress.<sup>1</sup>
8. Widespread, endemic corruption has a direct impact on these institutions' protection of rights, by engendering both abuses and impunity. It leads to violations such as torture being committed by the police in regular criminal investigations and critically undermines the country's justice delivery mechanisms. The involvement of the military in land-grabbing and illegal control and exploitation of natural resources is also a source of grave violations and internal conflict in Pakistan, as seen in Balochistan province.
9. Pakistan accepted recommendations to establish a National Human Rights Commission (NHRC) in line with the Paris Principles. Pakistan's Senate on March 9, 2012 established an NHRC under the Pakistan Human Rights Commission law. This also prohibits the intelligence agencies from detaining any citizen illegally, states that the armed forces and intelligence agencies will be answerable to the commission and parliament, and empowers the commission to monitor any jail or secret prisons to check for illegal detentions and receive complaints. While this is welcome, it remains to be seen whether the NHRC or the parliament will be able to bring the military and intelligence under the ambit of the law, where the civilian government and the country's courts have previously failed. It must be noted that the law also restricts foreign funding for NGOs without approval, which has the potential to be abused to obstruct NGOs work in favour of human rights.

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<sup>1</sup> See first cycle recommendations by Switzerland, Sweden and Canada respectively.

10. National laws have typically not been adjusted to reflect the international obligations undertaken under CAT and the ICCPR. For example, Pakistan still has no law criminalising torture.
11. Additionally, Pakistan's dual judicial system, which comprises a secular system of national laws and courts, as well as parallel traditional jirgas and Sharia court systems, results in conflicting, and often contradictory efforts to provide justice, seriously undermining the protection of rights, in practice.
12. The members of the UPR Working Group are urged by the ALRC and ACAT-France to make the following recommendations to the GoP, which include the renewal of recommendations from the first UPR cycle that remain pending:
  - a. Take all necessary measures to address corruption in the police, prosecution and judiciary, which remains a major obstacle to justice delivery and protection of human rights;
  - b. Reform the institutions of the rule of law in order to enable effective investigations, prosecutions and fair trials concerning human rights violations, notably those allegedly committed by state agents and member of powerful groups;
  - c. End the impunity enjoyed by the military and intelligence agencies, by ensuring civilian oversight over these agencies, and an effective and independent inquiry mechanism to ensure effective prosecutions of all allegations of human rights abuses made against their members.
  - d. Ensure that the country's Sharia court system operates in full respect of domestic and international human rights law, and ensure that illegal jirgas are not allowed to operate and hand out judgements.

### **III. Implementation of recommendations from the 1<sup>st</sup> cycle**

13. Concerning Pakistan's implementation of first cycle UPR recommendations made in the first cycle of the UPR, while some steps have been taken to ratify international instruments or produce new laws, these are not yet having a tangible impact on the improvement of human rights on the ground. The lack of political will and of institutions capable of ensuring effective measures to prevent rights abuses, provide redress to victims and prosecute perpetrators, mean that the UPR is yet to live up to its promise to improve human rights in practice. While the ALRC and ACAT-France do not expect an end to rights abuses over one cycle of the UPR in Pakistan, more precise, credible, verifiable and substantive efforts are still required of this process.
14. **International cooperation:** despite having accepted to consider issuing a standing invitation to Special Procedures, enable those that had already requested visits to conduct them and to step up cooperation with these mandates, the GoP has thus far failed to take any credible action in this regard. No standing invitation has been issued and no country visits were allowed between 2008 and 2012, despite requests pending from the mandates concerning torture, human rights defenders, extra-judicial killings, racism, freedom of religion, human rights and counter-terrorism, independence of judges and lawyers jointly with freedom of

expression, right to food, adequate housing, IDPs and freedom of association and assembly. Delays in reporting to Treaty Bodies and unacceptably low response rates to communications by Special Procedures are of particular concern. As will be seen below, many of these issues remain of grave concern.

15. Recommendations:

- a. Ensure a standing invitation is issued to Special Procedures;
- b. Prioritise country visits by Special Procedures with pending requests;
- c. Ensure timely reporting to Treaty Bodies and responses to communications from Special Procedures, as well as implementation of recommendations made by these mechanisms.

16. **Forced disappearances:** Pakistan has amongst the highest number of forced disappearances in the world, thought to number in the thousands over the last decade, with many disappearances continuing to take place. Forced disappearances are part of a pattern that includes arbitrary or illegal arrests, incommunicado detention in secret locations, and torture, which frequently result in extra-judicial killings.

17. Exact numbers are difficult to ascertain, notably as many of the disappearances are taking place in remote areas affected by armed conflict, such as Balochistan Province (in connection with conflict between governmental armed forces and Balochi nationalist armed forces); Khaiber Pakhtoon Kha province (notably under counter-terrorism, often in connivance with foreign forces); and Pakistani-held Kashmir (typically for refusal to participate in the “Jihad” inside Indian-held Kashmir or to provide information to the intelligence agencies).

18. In Balochistan, the local government admitted in 2009 to some 1600 disappearances since 2002, although this has since been retracted, while non-governmental sources claim thousands more persons are currently missing. The ALRC has received information concerning hundreds of disappearances in Balochistan since 2008. Hundreds more have also been reported in Khaiber Pakhtun Kha and Pakistan-held Kashmir. Tens of cases have also been reported in Sindh and Punjab provinces.

19. There are hundreds of complaints concerning missing persons before the higher courts, including the Supreme Court of Pakistan, notably concerning persons allegedly abducted by state intelligence agencies. Many survivors have testified in court that they were disappeared and tortured in torture cells run by the intelligence agencies, but the courts have consistently shown their inability to hold those responsible accountable, as the military and intelligence agencies refuse their jurisdiction and fail to cooperate with their orders. The ALRC has documented cases where the military even ignore the orders of the Supreme Court. Concerning a case of eleven disappeared persons, four of whom were known to have died in custody, on February 2, 2012 the Supreme Court ordered the ISI and military intelligence agency (MI) to produce the remaining seven detainees before the court on February 10. This order was ignored, as was a repeated order on February 11 by the three member bench of the court, headed by Chief Justice Iftikhar Mohammad Chaudhry. This was a clear message to the

judiciary that the military and its agencies do not fall under the jurisdiction of the Constitution of Pakistan and the law of the land.

20. The government formed a 3-month judicial commission to probe cases of disappearances, comprising Supreme Court Justice Kamal Mansoor Alam and two retired high court judges, which began working in June 2010. It only considered a limited number of cases of disappearances, as it required a First Information Report (FIR) before it considered cases, and the police typically refuse to file FIRs into disappearances, despite a Supreme Court to do so. The commission was unable to get explanations from the intelligence agencies, and its recommendations have been ignored. Another judicial commission has since been formed under retired Supreme Court Justice Iqbal Javed, and has been working for over a year, but has not been able to summon members of the intelligence agencies to appear before it. Given this, it is hard to see how the newly-established NHRC will fare any better when attempting to hold members of the military and intelligence services accountable.

21. Recommendations:

- a. Ratify without delay the CPED, and recognize the competence of the Committee to receive communications under article 31;
- b. Criminalise forced disappearance under domestic law, in line with international law and standards;
- c. Ensure full cooperation by the military and intelligence services with the judiciary and the judicial commission into disappearances, and ensure the full implementation of the commissions' recommendations;
- d. Ensure the immediate closure of all illegal secret detention centres operated by the security forces and intelligence services;
- e. Ensure civilian oversight of the military and intelligence services, and full compliance with independent monitoring, including by the Pakistan Human Rights Commission and non-governmental organisations, to ensure the absence of any illegal detention facilities;
- f. Immediately locate the whereabouts of all missing persons, release all persons being detained illegally, and ensure missing persons families' rights to truth and reparation, in line with international standards;
- g. Ensure full, effective and independent investigations into all allegations of forced disappearances, bringing those responsible to justice;
- h. Invite the Working Group on Enforced or Involuntary Disappearances to conduct a country visit without delay and as a priority.

22. **Torture:** While the ALRC and ACAT-France welcome the GoP's ratification of CAT, they recall that torture remains endemic, widespread and typically accompanied by impunity. Extreme forms of torture continue to be documented in the country, including, inter alia: beatings with fists, sticks and guns, on different parts of the body including the soles of the feet, face and sexual organs; death threats and mock executions; strangulation and asphyxiation; prolonged shackling in painful positions; use of chilli water in the eyes, throat and nose; exposure to extreme hot and cold temperatures; mutilation, including of sexual organs; and sexual violence including rape. Torture is used by the military and intelligence agencies in the contexts of counter-terrorism and armed conflict, such as that in

Balochistan province, but is also widespread in routine investigations by the police. The ALRC continues to document numerous cases of torture to date.<sup>2</sup> The security forces and intelligence services are known to be operating “torture centres” in many of major cantonments across the country, including in major cities. The ALRC had evidence of around 50 such centres operating in 2008, and has alerted the Human Rights Council to this.<sup>3</sup> The current government has taken no action to close these centres, There is a clear requirement for independent civilian monitoring of all places of detention in Pakistan, which speaks to the pressing need for the GoP to ratify and implement to Optional Protocol to CAT (OPCAT) without delay, as well as to invite the Special Rapporteur on torture as a priority.

23. The climate of impunity is illustrated by the increasing use of torture by state agents in public places. Video evidence shows how Pakistani officials are using torture in public as a repressive tool to create fear and exert control, and this is not being met by any credible action by the authorities to investigate cases and bring persons found responsible to justice.<sup>4</sup> Significantly, no effective action has been taken against the perpetrator of torture by the police in May 1999 of the current sitting President of Pakistan, Mr. Asif Zardari. The alleged perpetrator, former inspector general of police (IGP) Sindh province Mr. Rana Maqbool, has in fact been appointed as the prosecutor general of Punjab Province.

24. Recommendations:

- a. Criminalise torture under domestic law, in line with international law and standards;
- b. Ratify and implement the OPCAT;
- c. Ensure effective, independent investigations into all allegations of torture;
- d. Invite the Special Rapporteur on torture to conduct a country visit as a priority.

25. **Extra-judicial killings:** The ALRC continues to document hundreds of cases of extra-judicial killings in Pakistan, which are accompanied by impunity, due to a lack of investigations and prosecutions. Many such killings are linked to forced disappearance and torture, following which victims are surfaced dead. For example, in Balochistan Province alone, between July 2010 and October 2011, the ALRC documented 215 persons extra-judicial killings following abduction by paramilitary forces or disappearance by Pakistan’s law enforcement and security agencies. Journalists, teachers, political activists, students and human rights defenders have been targeted in particular.

26. The pretext of “encounter killings” is typically used by the authorities to falsely justify extra-judicial killings as being legitimate. In the case of extra-judicial killing of 25 year old Sarfaraz Shah on June 8, 2011, by members of the Sindh Rangers paramilitary force,<sup>5</sup> a spokesperson for the Sindh Rangers made a press statement claiming that the victim had been killed during an armed encounter with

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<sup>2</sup> See Annex section 1 for case examples of torture

<sup>3</sup> See Annex section 2 for a list of known locations of torture centres

<sup>4</sup> See Annex section 3 for examples of video footage of alleged human rights abuses

<sup>5</sup> See Annex section 4 for further details and video evidence concerning this case

the Rangers. However, bystanders had filmed the incident, which showed that the victim was unarmed, non-violent and was pleading for his life while refusing accusations of theft. The video was aired by Pakistani media, leading to public protests, which resulted in those responsible having been arrested and punished by the anti-terrorist court. Their appeal is still pending however and the cameraman has been forced into hiding.

27. Recommendations:

- a. Guarantee the right to life, in line with the provisions of the ICCPR and domestic law, including by taking all necessary measures to ensure that all allegations of extra-judicial killings are promptly and effectively investigated and prosecuted, with particular attention given to cases of extra-judicial killings following forced disappearances.

28. **Human Rights Defenders:** Human rights defenders (HRDs) remain subject to: threats and reprisals against them and their families; harassment; legal and physical attacks; arbitrary arrests and detention; forced disappearance; torture and extra-judicial killing, by state and non-state actors. The government has failed to establish an effective national policy of protection for HRDs or to combat impunity by effectively investigating and prosecuting those responsible for attacks against them, despite the government having agreed to specific recommendations concerning these issues in the UPR's first cycle. The lack of efforts to combat impunity mirrors the lack of efforts to address the whole range of human rights violations witnessed in Pakistan, and stems from the institutional failings within the police and justice delivery mechanisms, allied with a lack of political will on the part of the government to institute effective institutional reforms, which is preventing progress concerning the protection of human rights. The fact that HRDs work to expose these failings, places them at particular risk.

29. Persons who work in favour of human rights but contrary to the interests of radical Islamist groups face particular threats, as can be seen by the killings in 2011 of the Governor of Punjab, Salman Taseer, and the Federal Minister of Minority Affairs, Shabaz Bhatti, who were targeted in relation to their efforts to protect minorities, and their opposition to Pakistan's draconian blasphemy laws.<sup>6</sup>

30. Another accepted recommendation called for the government to effectively address the repressive effect of civil society monitoring procedures and anti-terrorism legislation on the operation of human rights defenders. The sentencing of six leaders of a power loom worker's union to a total of 490 years in jail based on fabricated charges under anti-terrorism legislation in November 2011<sup>7</sup> illustrates the government's failure in this regard.

31. The killings in Balochistan in 2011 of two human rights defenders who were documenting cases of forced disappearances, notably as part of the Supreme Court's efforts to compile a list of cases, are illustrative of the risks to defenders who work on the gravest rights abuses. Mr. Naeem Sabir Baloch, the district coordinator of the Human Rights Commission of Pakistan (HRCP), who was

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<sup>6</sup> See Annex section 5 for details concerning these killings

<sup>7</sup> See Annex section 6 for details of this case



working on forced disappearances in Balochistan province, was gunned down by unknown persons wearing masks and riding a motorbike on March 1, 2011. Mr. Siddique Eido of the Human Rights Commission of Pakistan was reportedly abducted on December 21, 2010, by members of the Frontier Corps (FC) and of the intelligence agencies wearing plain clothes, while he was in the custody of the police. On April 28, 2011, his body was found, bearing torture and bullet wounds. He had been receiving threats from the law enforcement agencies for him to halt his work on disappearances and other human rights issues, and had requested protection from the local authorities.

32. One particularly grave case of reprisals by the military against a human rights defender illustrates how impunity continues unabated in Pakistan. To punish prominent activist Mr. Baseer Naveed, the then-Chairman of the Citizen Action Committee, for his effective work to counter the forced displacement of some 300,000 persons under the plan to construct of Lyari Expressway in Karachi, which directly involved the military and their financial interests, on November 8, 2004, Mr Naveed's 21-year-old son Faraz Ahmed Naveed, was abducted, tortured to death and his mutilated body was dumped two days later at the doorstep of the radio station where Mr. Naveed worked. The Medico-legal Officer at the hospital refused to perform a post-mortem examination. The police refused to investigate the case, withheld evidence and claimed it was a suicide. Despite repeated requests for action, and despite a change from a military to civilian-led government, to date, no action has been taken in this case, showing the nexus between the police and military in covering up even the gravest abuses.<sup>8</sup>
33. The GoP has also failed to invite the Special Rapporteur on human rights defenders to visit the country despite accepting a recommendation to do so.
34. Recommendations:
  - a. Invite the Special Rapporteur on human rights defenders to conduct a country visit without delay;
  - b. Ensure reforms to rule of law institutions that include provisions to enable effective investigations and prosecutions of all threats, attacks and other abuses that target human rights defenders, including by the military, intelligence agencies and non-state actors;
  - c. Ensure full and prompt implementation of first cycle recommendations concerning the establishment of a national policy of protection of human rights defenders and the use of anti-terrorism legislation and other repressive tools used to undermine human rights work.
35. **Independence of the judiciary:** At the time of the first cycle of the UPR, the judicial system was in crisis, with a nation-wide judges and lawyers' movement having closed the country's courts in protest at the dismissal by the Musharraf government of the Chief Justice and placement under house arrest of many top judges. While this crisis has now passed, widespread corruption in the country's lower judiciary, interference by powerful groups in the course of justice, and courts' inability to hold the military and intelligence agencies accountable for a

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<sup>8</sup> See further details of this case here: <http://www.humanrights.asia/news/urgent-appeals/UA-129-2005>

range of grave abuses of rights, are significant ongoing impediments to the realisation of human rights. Where judges take positions in favour of human rights they face serious threats or attacks, as can be seen in the case of Anti-Terrorist Court judge Pervez Ali Shah, who, on October 1, 2011, awarded a death sentence to the killer of the former governor of Punjab province, and was forced to leave the country due to the lack of protection provided by the government, after receiving threats and having his court and home attacked by religious fundamentalists as well as militant Islamist lawyers.

36. There remain serious concerns about the process of selection of judges, and the roles of the Judicial Commission and the Parliamentary Committee on the appointment of judges, with nepotism and corruption plaguing the process. Ethnicity is proving a barrier for selection and reforms are required in order to ensure that judges are appointed on merit rather than political affiliation.
37. Of particular concern is the nexus between the judiciary and the police and security forces, which seriously obstructs attempts to seek justice concerning human rights violations committed by state agents in particular. For example, Mr. Abdul Saboor, was reportedly killed while in military detention centre while a petition was being filed concerning his case at the Supreme Court. The registrar of the Supreme Court reportedly obstructed the filing of the petition on technical grounds for one week, having seen that it was against the military establishment, during which time Abdul Saboor's body was dumped on a roadside in Peshawar city, Khyber Pakhtoon Kha province.
38. Recommendations:
  - a. Establish an effective, independent and well-resourced mechanism empowered to investigate and launch prosecutions concerning all allegations of corruption involving state officials, with particular focus on the police and judiciary, ensuring punishments that are in line with international standards are handed down to all persons found responsible;
  - b. Ensure effective investigation of all allegations of the obstruction of due process and the course of justice, including the creation of delays to court processes which put persons in detention or seeking justice at risk of attacks and death.
39. **Freedom of expression and the media:** Pakistan remains one of the most dangerous countries in the world for journalists, with both state and non-state actors targeting them with threats and attacks. The ALRC documented the killing of 16 journalists and injuring of 46 others in the first eleven months of 2011. Of these, five were allegedly abducted and killed by the state intelligence agencies. Senior journalist Mr. Saleem Shahzad, the Pakistan Bureau Chief of the Asia Times Online, was abducted on May 29, 2011, and subsequent killed. He had exposed an Al-Qaida network operating within the Pakistan Navy and had allegedly received death threats from the intelligence agencies, who are believed to have then carried out his killing. Despite accepting a recommendation in this regard, no effective investigations or prosecutions have been conducted into these killings.

40. The GoP also accepted a recommendation to review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR. The Musharraf government seriously curtailed media freedom during emergency rule, notably through abusive use of the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance. Despite the Supreme Court since ruling that all Musharraf-era amendments are now null and void, the National Assembly has retained two amendments in the pending 2010 Pakistan Electronic Media Regulatory Authority (PEMRA) amendment Bill, in particular one banning broadcasting institutions from publicising views or actions that are “detrimental to ideology of Pakistan, sovereignty, national security and integrity.” Any content perceived as being derogatory to state institutions is banned. The government has gone further and added a clause to the Bill banning the broadcasting of any programme or discussion aimed at influencing or giving opinions about sub-judice matters. Those responsible for or assisting the violation of the ordinance can be fined up to Rs10 million (approximately US\$110,000), with cable operators broadcasting such content facing three years imprisonment, a fine, or both.
41. Additionally, in Punjab Province, a ban has been imposed on all government officials from interacting with the media under the new Protection and Communication of Official Information Rule, which is being seen as unconstitutional, as well as a serious threat to media freedom and the right to access to information.
42. Recommendations:
- a. Publicly guarantee the security of all journalists, and ensure full and effective investigations and prosecutions into all cases of threats, attacks and killings of media workers;
  - b. Remove all provisions in the 2010 PEMRA Bill that run contrary to Pakistan’s obligations under the ICCPR and/or threaten freedom of expression;
  - c. Repeal all bans at the federal or provincial levels that threaten media freedom and access to information, such as Punjab’s Protection and Communication of Official Information Rule.
43. **Religious discrimination:** Despite having accepted several recommendations to guarantee freedom of religion in law and practice, religious discrimination and attacks on minorities continue unabated in Pakistan. The government is bending to sustained pressure from fundamentalist Islamic groups. The ALRC has documented many cases of religious persecution against Christians, Hindus, members of the Ahmadiyya community as well as members of the Shia sect of Islam, often with the acquiescence of the authorities.
44. Banned religious groups continue to operate freely. In 2011 in Faisalabad city, the All Pakistan Student Khatm-e-Nabowat Federation launched a public hate campaign calling for citizens to kill members of the Ahmadiyya community and attack their businesses. The authorities took no action against the group. In Balochistan on September 20, 2011, gunmen belonging to banned religious organization Lashkar-e-Jhangvi (LeJ) shot dead 26 Pakistani Shia Muslim pilgrims travelling to Iran. This brings the total number of Shia’s killed to over

800 over the last three years, without credible action being taken by the government.

45. Deplorably, the government rejected a recommendation in the UPR's first cycle, to place the country's blasphemy law in line with the ICCPR. It continues to be abused to persecute religious minorities. In one case, a ten-year-old Christian girl has been labelled a blasphemer after having misplaced a full stop in her Urdu examination paper on September 22, 2011.
46. The ALRC and ACAT-France estimate that on average some 700 Christian and 300 Hindu girls are forcibly converted to Islam each year in Pakistan, notably in Punjab, Khyber Pakhtun Kha and Sindh provinces. Typically girls are abducted, raped and kept in Madrassas, where they are forced to sign marriage certificates and claim that they have converted to Islam. Despite the 2011 Prevention of Anti-women Practices Act, which abolishes the practice of forced marriages and the exchange of girls in settling disputes, as well as the marriage of minor girls, the police refuse to intervene in such cases and courts are even complicit in this, by nullifying women's previous non-Islamic marriages and recognising their forced marriages instead.<sup>9</sup>
47. Recommendations:
  - a. Ensure effective protection of the freedom of religion, by investigating and prosecuting all allegations of religious discrimination and violence, including by punishing members of the authorities who acquiesce with or fail to act to prevent such abuses;
  - b. Implement legislation to halt the practice of forced conversion to Islam of women through rape and forced marriage;
  - c. Ensure a review of the blasphemy law to bring it in line with the ICCPR.
48. **Violations of women's rights:** Women in Pakistan face discrimination in all facets of life and brutal treatment, including: domestic abuse; sexual violence including rape by state and non-state actors; torture; honour killings and murder. Verdicts by jirgas (illegal tribal judicial courts) ensure the persistence of violence against women. Those responsible typically go unpunished due to discriminatory laws and gender bias. It is believed that 70% of people who commit honour killings in Pakistan escape punishment, for example. This remains the case despite the GoP having accepted a recommendation to "Ensure punishment for perpetrators of all violence against women and also thoroughly investigate and punish members and leaders of illegal jirgas for their calls to violence against women."
49. The government remains unwilling to challenge fundamentalist Islamic groups and traditional practices. This is visible in the government's rejection of key recommendations in the first cycle of the UPR concerning the need to repeal the Hadood and Zina Ordinances, to decriminalise adultery, and to prohibit the use of Qisas and Daiyat law in cases of honour killings. The grave problem of honour killings persists in Pakistan, with the ALRC continuing to document numerous

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<sup>9</sup> See Annex section 7 for a case example concerning courts' roles in enabling force marriages

cases throughout the last four years, despite the Criminal Law (amendment) Act 2009 defining honour killing as a non-compoundable offence.

50. There have been some positive developments, with the adoption in March 2010 of the Protection against Sexual Harassment at Workplace Act. The Pakistan Penal Code now provides for a harsher penalty for the offence under Section 509, besides offering a better definition of sexual abuse. The Acid Control and Acid Crime Prevention Bill 2010, seeks enhanced punishments for perpetrators of acid crimes against women, notably by awarding life imprisonment and a minimum Rupees.1 million fine for the crime.
51. However, many structural and legal obstacles to the enjoyment of women's rights remain in place. Section 265-K of the Pakistan Criminal Procedure Code empowers a court to acquit accused persons at any stage, which is being abused to provide impunity to rapists. The case of Mukhtaran Mai, who was gang-raped in 2002 on the instructions of the local Panchayat, an illegal local court run by tribal elders, clearly shows the ongoing bias of the judiciary against the women. In 2005, the Chief Justice of the Supreme Court took Suo Moto notice of the case. Despite the intervention by the Chief Justice of the Supreme Court in 2005, in 2011t the Supreme Court upheld the Lahore High Court's verdict, acquitting all the accused except one Abdul Khaliq. This outcome discourages survivors of rape and gang-rape from making complaints. Women face stigmatisation and the burden of proof, even though the police are responsible for conduct investigations and providing requisite evidence. Current methods of recording evidence are biased against women, undermining attempts to seek justice in cases of rape.
52. Recommendations:
  - a. Accept and implement the recommendations from the first UPR cycle concerning the Haddod and Zina Ordinances, adultery and the use of Qisas and Daiyat law;
  - b. Ensure proper investigations, notably through the effective gathering of evidence, into all allegations of violence against women, including rape, and remove all structural, legislative and procedural biases and barriers faced by women seeking justice for such crimes;
  - c. Ensure a halt to honour killings through the effective prosecution of those responsible in line with domestic law and international standards.