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HUMAN RIGHTS CHARTER— PAKISTAN

INTRODUCTION

As Pakistan's new government has been sworn in and formed this past month, Amnesty International urges the government to grasp this opportunity to put Pakistan's international human rights commitments at the forefront of its future policies and decisions.

In the lead up to and since the elections on 8 February 2024, Amnesty and a number of [other human rights organizations](#) have noted a pattern of human rights violations in Pakistan. These include [blanket bans](#) on protests and gatherings curtailing the right to freedom of peaceful assembly; arbitrary arrest and detention of party workers, protestors and candidates limiting the right to liberty; trials of political opponents with little due process; [mobile network](#) and social media disruptions; restrictions on reporting by the media through a crackdown on the right to freedom of expression; [mass deportation](#) of Afghan refugees in contravention of the principle of non-refoulement; and a continuation of [enforced disappearances](#) and reports of extra-judicial killings.

Amnesty International calls on Prime Minister Shehbaz Sharif and respective provincial governments to take concrete steps towards addressing these longstanding human rights concerns and to ensure that the new government's policy and legislative proposals are in line with international human rights standards and norms. In the newly announced 19-member federal cabinet, no dedicated human rights minister has been appointed and the Government is urged to ensure that the Ministry of Human Rights is not overlooked and adequate resources are provided for it to function and carry out its critical work. Pakistan is faced with considerable economic, social, civil, political and climate-related challenges, and the new government must consider the human rights impact of all policies and proposed laws as a central part of decision-making, and civil society and impacted communities are meaningfully consulted before decisions are taken.

With this human rights charter, Amnesty International urges the newly elected government to prioritize and commit to the following recommendations. With this ten-point agenda, listed in no order of priority, Amnesty International highlights Pakistan's human rights obligations in accordance with the rights guaranteed by the Constitution of Pakistan, 1973 and the country's commitment to international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESR) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which Pakistan is a state party.

1. Uphold the right to freedom of expression, including media freedom

The right to freedom of expression and access to information in Pakistan has been severely curtailed through restrictive legislation such as the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 and Prevention of Electronic Crimes Act, 2016 along with their accompanying rules and codes. Criminal laws are used to instill censorship and stifle freedom of expression by [targeting journalists](#), human rights defenders and people who are critical of the authorities. Further, journalists have been subjected to intimidation, harassment, violence and [enforced disappearances](#) across the country.

A range of vague laws are used to block content, including entire social media platforms, and to justify internet shutdowns. The Pakistan Telecommunications Authority [reports](#) having removed 1.4 million URLs based on criteria that includes content 'against security and defence of Pakistan' and 'against glory of Islam', and on the basis of 'defamation/impersonation', 'decency and morality, and 'sectarian/hate speech'. In the lead-up to the 2024 General Election, internet platforms were shut down thrice, and "X", formerly Twitter, has been [blocked](#) for over a month since 17 February 2024. [Mobile services](#) were also shut down on the day of the election, 8 February 2024.

RECOMMENDATIONS:

- Amend laws restricting the right to freedom of expression such as the Pakistan Electronic Media Regulatory Authority Ordinance and the Prevention of Electronic Crimes Act, and bring the laws in line with international human rights law, including Pakistan's obligations under Article 19 of the International Covenant on Civil and Political Rights.

- Repeal criminal defamation laws contained in the Prevention of Electronic Crimes Act and sections 499 and 500 of the Pakistan Penal Code, 1860 and bring them in conformity with Pakistan's international human rights obligations.
- Immediately lift the ban on social media platforms, including X, and ensure uninterrupted access to digital platforms and internet services by amending section 37 of the Prevention of Electronic Crimes Act in line with international human rights standards and de-notifying the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021.
- Withdraw all draft laws and proposed Bills aiming to restrict the right to freedom of expression, including the proposed e-Safety Bill, 2023.

2. End enforced disappearances and extrajudicial executions

Enforced disappearances, particularly prevalent in Balochistan and Khyber Pakhtunkhwa, have been used as a tool of political suppression to target and silence dissenters, journalists, human rights defenders and minorities.

The Government's Commission of Inquiry on Enforced Disappearances [reported](#) that it has recorded a total of 10,078 enforced disappearances since 2011, with 3485 and 2752 from the provinces of Khyber Pakhtunkhwa and Balochistan respectively. There is no law criminalizing enforced disappearances in the country and Pakistan has not signed onto the International Convention for the Protection of All Persons from Enforced Disappearance. Amnesty International has extensively documented harassment and intimidation faced by [families](#) of the forcibly disappeared, more recently through excessive [use of force](#) against the Baloch Long March in December 2023.

RECOMMENDATIONS:

- End the practice of enforced disappearance and arbitrary detention, and immediately disclose the fate and whereabouts of forcibly disappeared people to their families.
- Ensure that prompt, thorough, independent and impartial criminal investigations are conducted into all allegations of enforced disappearances. Where sufficient admissible evidence exists, prosecute those suspected of criminal responsibility, including those suspected of ordering, planning, abetting and assisting enforced disappearances, before civilian courts in proceedings that conform to international fair trial standards and without recourse to the death penalty.

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation and fully implement its provisions in domestic law.
- Enact legislation on enforced disappearances that conforms to international human rights laws and best practices, and hold meaningful consultations with activists, civil society, and families of the forcibly disappeared on the proposed legal amendments to the draft bill on enforced disappearances.
- Ensure victims and families of forcibly disappeared people are given full and effective protection, redress and reparations to address any hardships they have endured, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.
- End the ongoing harassment, intimidation and surveillance of the families of forcibly disappeared people, and facilitate and guarantee their right to freedom of peaceful assembly without discrimination.

3. Respect and ensure the right to freedom of peaceful assembly

While the right to freedom of peaceful assembly is guaranteed under the Constitution of Pakistan (Article 16), it is subject to significant restrictions through broad and restrictive laws which include section 144 of the Code of Criminal Procedure, 1898, Maintenance of Public Order Ordinance, 1960 allowing for preventative detention, the Anti-Terrorism Act, 1997 and several sections of the Pakistan Penal Code relating to sedition (section 124A) and unlawful assembly (sections 141 to 146). Section 144 of the Code of Criminal Procedure in particular has been used to impose discretionary blanket restrictions on public protests and gatherings, placing the onus on activists and political organizers to obtain administrative permission to exercise a constitutionally guaranteed right.

Additionally, arrests and detention of people participating in protests are a regular occurrence. Mass arrests and detentions in the wake of the 9 May 2023 protests resulted in months long detentions for at least over a thousand protestors and 103 civilians are currently being tried under military courts (see: point number 7).

Excessive use of force against protestors has included batons, water cannons, teargas, and, on occasion, [rubber bullets](#) and fire ammunition. According to the [Human Rights Commission of Pakistan](#), approximately 112 people were killed during peaceful protests while close to 2,127 people suffered serious injuries due to use of force by law enforcement authorities between 2010 and 2020.

RECOMMENDATIONS:

- Unconditionally release all peaceful protestors under detention and ensure those under trial are given access to a fair trial as per international human rights standards.
- End excessive use of force against assemblies and protests through the adoption and implementation of international human rights standards, such as UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, for law enforcement agencies when dealing with protestors.
- Amend laws criminalizing the right to freedom of peaceful assembly in line with international human rights standards. Repeal laws allowing blanket bans on assemblies, such as section 144 of the Code of Criminal Procedure, and other laws imposing authorization regimes requiring permits for assemblies and protests.

4. Protect refugees and asylum seekers

Pakistan is one of the [largest](#) refugee-hosting countries globally, and host to the largest Afghan refugee population. The government's [decision](#), announced on 3 October 2023, to deport over 1.4 million 'unregistered' refugees that has led to mass deportation of [527,981](#) Afghan refugees (from September 2023 to February 2024). Amnesty noted that this decision gave rise to an increase in [harassment](#), discrimination, and evictions. Afghan refugees have also been arbitrarily detained through the use of laws such as the Foreigners Act, 1946. Detention centers for Afghan refugees pending deportation were set up in November 2023. Refugees inside Pakistan face substantial in accessing registration centers operated by UNHCR and Society for Human Rights and Prisoners' Aid (SHARP) to obtain documents. The decision to deport refugees en mass particularly impacts [women and girls](#), journalists, human rights defenders, women protestors, religious minorities, artists, and former government officials who fled the de facto rule of the Taliban. These vulnerable groups are either living in anxiety of being deported or at imminent risk upon deportation. The [targeted killing](#) of a former NDS officer and his wife on 10 December 2023, in Takhar province, upon their return from Pakistan puts Pakistan in violation of its commitment to the principle of non-refoulement. Further, those forced to return risk homelessness, loss of livelihood and lack of access to essential services in Afghanistan where more than 97% of the population is living in [poverty](#).

Afghan refugees in Pakistan have already been in a precarious situation as the country lacks national legislation on refugee protection. Further, the Illegal Foreigners Repatriation Plan by the Ministry of Interior in September 2024 seeks to deport Afghan Citizen Card

(ACC) and Proof of Registration (PoR) holders in phase two and three of the plan. The new government's decision to [continue](#) implementation of this Plan is extremely worrying. Pakistan is not a member state to the 1951 Convention Relating to the Status of Refugees nor its 1967 Protocol.

RECOMMENDATIONS:

- Immediately stop the crackdown against, and harassment of, Afghan refugees and reverse the decision to forcibly deport refugees in line with Pakistan's international legal obligations including the principle of non-refoulement.
- Create well-resourced and accessible pathways for the registration of refugees, taking proactive measures to facilitate refugees at risk and those facing barriers due to gender, disability, language, among others.
- Fulfil Pakistan's international human rights obligations including under the International Covenant on Civil and Political Rights, 1966 (ICCPR) and the Convention Against Torture, 1984 (CAT) by respecting the absolute prohibition to return anyone, including Afghan refugees, to a country where they would be at real risk of being subjected to torture or other serious human rights violations.
- Ratify the 1951 Refugees Convention and its 1967 Protocol.
- Develop a comprehensive national legal framework to regulate access to refugee status and rights in line with international refugee law and amend the Foreigners Act to prevent penalization of refugees entering Pakistan.
- Provide protection to all at-risk refugees in compliance with Pakistan obligations under the principle of non-refoulement, and consider all Afghan women and girls fleeing Afghanistan as prima facie refugees under the 1951 Refugee Convention and 1967 Protocol, due to the persecution they risk because of their sex and gender.

5. Uphold rights of women and gender-diverse groups

Women, girls, transgender and other gender-diverse people face substantial issues of systemic discrimination, gender-based violence, harassment, and barriers to political participation in Pakistan. There remains a substantial voter gender gap of [9.94 million](#) in the country. So-called 'honour killings' remain [rampant](#) and emerging forms of violence such as [technology-facilitated](#) gender-based violence have created additional challenges. While gender-based violence is prevalent, laws directed at tackling this violence are faced with an ineffective judicial system where conviction rates for gender-based crimes remain

between [1 to 2.5%](#). Shelter homes, women protection centers and gender-based violence courts envisioned under existing laws are not adequately implemented due to cuts in funding and de-prioritization.

There has been a significant [rollback](#) on the rights of transgender people after a 2023 verdict by the Federal Shariat Court on the Transgender Persons (Protection of Rights) Act 2018 denied transgender and gender-diverse people the right to self-identify their gender. Transgender people in Pakistan have been the [target](#) of disinformation campaigns and proposed legislative amendments directed at denying them further rights. Additionally, women from religious minorities face high rates of forced conversions that are often accompanied by early-age marriages. The Human Rights Commission of Pakistan reported around 60 cases of forced conversion in [2021](#), out of which 70 percent were girls under the age of 18, and at least 20 cases involving conversions of Hindu girls in [2022](#).

Laws required to protect women and gender-diverse people regularly face opposition from lawmakers and religious groups. The Domestic Violence (Prevention and Protection) Bill, 2021 faced significant opposition, preventing its passage through Senate despite being passed by the National Assembly. Similarly, legislative proposals to raise the age of marriage for girls from 16 to 18 years have faced opposition in Parliament. In 2021, the Prohibition of Forced Conversion Act, 2021 was [rejected](#) by the Parliamentary Committee to Protect Minorities from Forced Conversions. Women-led protests face significant barriers and backlash, seen particularly in the opposition to the annual Aurat Marches across the country on International Women's Day.

RECOMMENDATIONS:

- Immediate passage of the Domestic Violence (Prevention and Protection) Bill and effective implementation of domestic violence laws in the provinces.
- Ensure effective implementation of laws aimed at tackling gender-based violence, harassment and technology-facilitated gender-based violence through gender-sensitive and survivor-centric reforms in the judicial system, ensuring that perpetrators of gender-based violence are held accountable through fair trials without recourse to the death penalty.
- Restore provisions of the Transgender Persons (Protection of Rights) Act 2018 granting rights to transgender persons and reject all proposed amendments to the Transgender Act that violate international human rights laws and standards, particularly the right to privacy, bodily autonomy and non-discrimination.
- Pass effective legislation regarding forced conversion and early-age marriages in line with Pakistan's international law commitments.

6. Safeguard the rights of religious minorities

Religious minorities, mainly consisting of Christians, Hindus, Shias and Ahmadis, face religion-based discrimination and persecution in Pakistan. The weaponization of the blasphemy laws, carrying the death penalty, remains a major issue regularly leading to violence as seen in Jaranwala on 16 August 2023, resulting in attacks on at least 24 church buildings and 80 Christian houses. The Ahmadiyya community faces similar violence under the pretext of blasphemy and other discriminatory laws. Ahmadi [places of worship](#), grave sites and [businesses](#) are regularly desecrated with no accountability or justice. [Human Rights Watch](#) had noted that the creation of separate electoral rolls has meant most Ahmadis refrain from voting due to fear of being identified and persecuted, leading to the disenfranchisement of the entire community.

The Shia community is similarly targeted through [target killings](#), attacks on [imambargahs](#), and [sectarian violence](#) as was seen in Parachinar, Kurrum in 2023. Shia Muslims of Hazara ethnicity are also particularly [targeted](#).

Religious minorities in Pakistan face the intersection of religious and caste-based discrimination, often relegated to stigmatized professions and discriminated against in social, political and economic matters. The National Commission for Human Rights finds that 80% of all religious minority government employees are employed in low pay [work](#), particularly sanitation work, rather than higher grades of employment which include managerial and clerical work.

RECOMMENDATIONS:

- Repeal the blasphemy laws, particularly sections 295 to 298 of the Pakistan Penal Code, 1860. Pending repeal, establish a moratorium on all executions and commute death sentences under the law.
- Ensure that perpetrators of violence against minorities are held accountable through effective, independent and impartial fair trials without recourse to the death penalty.
- Repeal discriminatory, anti-Ahmadi laws such sections 298B and 298C of the Pakistan Penal Code and section 48-A of the Election Act, 2017.
- Enact laws recognizing caste-based discrimination, and create mechanisms to allow victims of economic and social caste discrimination perpetrated by public and private actors to report it and seek redress.

7. End trial of civilians by military courts

Military court trials of civilians were institutionalized by the twenty-first and twenty-third Constitutional Amendments, respectively in 2015 and 2017. Both Amendments contained 'sunset clauses' for 2 years which cumulatively lapsed on 30 March 2019; however, the courts continued to exercise jurisdiction in the period beyond 2019 as seen with trials such as that of [Idris Khattak](#) who was forcibly disappeared on 13 November 2019 and tried in a secret military court under the Official Secrets Act, 1923 and given a 14-year prison sentence.

Military courts have widely been held to be a violation of international human rights, subjecting civilians to secretive trials with virtually no right to appeal or meaningful access to legal counsel. There is little transparency about these trials as no media, family members or independent observers are given access to proceedings. According to the [International Commission of Jurists](#), military trials of civilians had an alarmingly high conviction rate of 99.2% and a significant majority of those convicted were given a death sentence in the period between 2015 and 2019.

Military courts have prominently been used to try 103 civilians allegedly involved in the 9 May 2023 protests. In October 2023, the Supreme Court [declared](#) military trials of civilians as null and void, upholding the right to fair trial in the country. However, two months later in December 2023, a larger bench of the Court suspended this order through an intra-court appeal and allowed for the trials to continue before a final judgment by the court.

RECOMMENDATIONS:

- Immediately suspend all military trials of civilians, present all civilians currently under trial by military courts in front of relevant criminal courts and all those under trial be given access to fair trial rights guaranteed under international human rights law.
- Commute sentences of all those serving convictions passed by military courts and, if deemed necessary by independent criminal prosecutors, present them in front of relevant criminal courts for an immediate and open trial that meets fair trial standards as per international human rights law and Pakistan's obligations under the International Covenant on Civil and Political Rights.

- Pending suspension of military trials of civilians, take effective measures to ensure that all military trials meet international fair trial standards.
- Amend the Army Act, particularly sections 2 and 59, to ensure no trial of civilians take place by military courts.

8. Ensure climate justice

Pakistan is one of the most vulnerable countries to the climate crisis and environmental degradation, subject to frequent flooding, droughts, heatwaves, and hazardous levels of air pollution. Despite being responsible for less than 1% of [global greenhouse gas emissions](#), Pakistan bears the brunt of climate change. Nevertheless, the Government lacks adequate preparedness to respond to rapid and slow onset events induced by climate change and needs to develop effective systems to mitigate loss and damage. The impacts of climate change are disproportionately experienced by marginalized groups, including lower income communities; women and gender-diverse groups, children, older people, persons with disabilities and populations located in climate-vulnerable locations such as Gilgit-Baltistan and areas of Sindh and Balochistan. Amnesty International's [report](#) on climate-induced heatwaves in Jacobabad and Lahore found that climate conditions severely impacted people's health, resulting in heatstroke, fatigue, breathing difficulties and fever.

Major cities in Pakistan consistently [rank](#) as one of the [most air polluted cities](#) in the world, impacting people's rights to life, health and clean, healthy and sustainable environment.

RECOMMENDATIONS:

- Collect, update and disseminate information about climate change and its impacts, including early warning information regarding climate effects and climate-related disasters and events, such as heatwaves and extreme rainfall.
- Develop plans for climate-induced disaster relief keeping in mind the most vulnerable populations, children, older people, people with disabilities and chronic health conditions, people living in poverty and/homelessness, people who work in jobs exposing them to climate disasters.
- Ensure that climate-responsive social protection is a priority in the National Adaptation Plan, and people are adequately protected against loss of income due to climate-induced job loss, health issues and displacement through social protection measures.

- Provide access to effective remedies to people facing loss and damage, including access to financial resources that will be mobilized for loss and damage, and ensure all responses to loss and damage are inclusive, intersectional, gender-responsive and promote equality for groups and individuals who are already marginalized.

9. Abolish death penalty

In violation of international human rights law and standards, Pakistan imposes the death penalty as a punishment including for non-lethal offences – which do not meet the threshold of the “most serious crimes” under the ICCPR; and as mandatory punishment, including for “blasphemy”. In wake of the attack on the Army Public School in December 2014, Pakistan lifted its moratorium (which began in 2008) on the death penalty. Since then, Pakistan has carried out over [508 executions](#); and, according to the , has 6039 people on death row as of October 2023. While there have not been any executions since 2019, there is no official moratorium in place and Amnesty International’s figures show that over 178 death sentences have been passed since 2019. With the uptick in violent attacks in the country (see: point number 10), there are concerns that executions could restart.

Pakistan has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) which requires state parties to take all necessary measures to abolish the death penalty.

RECOMMENDATIONS:

- Abolish the death penalty; and pending abolition, reinstate the official moratorium on executions.
- Pending full abolition, review and amend legislation to restrict the application of the death penalty to the most serious crimes, meaning crimes of extreme gravity involving intentional killing, ensuring that death penalty is removed as a punishment for speech and drug related offences in line with international legal standards.
- Pending full abolition, repeal the application of mandatory death penalty to offences, including blasphemy-related offences.
- Pending full abolition, ensure that all persons facing the death penalty – including those from disadvantaged or marginalized socio-economic backgrounds – are provided access to competent legal assistance, from the moment of arrest or when

they first face criminal charges, all the way through to appeals and other recourse procedures, and that proceedings meet international standards for a fair trial.

- Publish and publicly share country-wide data on the number of executions scheduled or carried out, death sentences imposed, people on death row, death sentences commuted, pardons and status of mercy petitions broken down by date, location, gender, age, nationality and other status, and crime.

10. Ensure security while preserving human rights

Lethal attacks on people, law enforcement agencies, state functionaries and political leaders have been a long-standing security and public order challenge in Pakistan. There has been a marked increase in the number of security-related [attacks](#) and deaths in the country in the last 12 months, particularly in the lead-up to the 2024 General Election where [offices](#), [residences](#) and election [convoys](#) of multiple political parties have come under firing and grenade attacks, candidates and political workers have been targeted, and some have been [murdered](#). It has been reported that in [January](#) and [February](#) 2024 alone 177 people have been killed and 253 injured in attacks. A majority of the violence was in Khyber Pakhtunkhwa and Balochistan.

Previously, attempts to address security challenges have resulted in broad laws such as the Anti-Terrorism Act, 1997, Protection of Pakistan Act, 2014, Fair Trial Act, 2013, sections of the Prevention of Electronic Crime Act, 2016 and various loudspeaker and sound system-related legislation. These laws, among others, provide discretionary powers to the government to surveil, detain and prosecute any activities which come under the ambit of 'national interest'. It is no surprise that this legislation has been used to silence dissent and target protestors in the past. It is imperative that notions of 'national security' and 'public order' are not used as pretexts to enact newer laws and continued misuse of existing ones.

RECOMMENDATIONS:

- Repeal and significantly amend legislation restricting the right to freedom of expression, privacy, peaceful assembly, liberty and fair trial on the basis of national security, 'anti-terrorism', and public order to ensure full compliance with international human rights standards.

- Conduct effective and impartial investigations into the targeted attacks on political workers and opponents and hold suspected perpetrators to account through fair trials and without recourse to the death penalty.