PAKISTAN: Alternative Report to the Human Rights Committee under the International Covenant on Civil and Political Rights

July 2016

**Submitted by: Asian Legal Resource Centre**

**Introduction**

The enjoyment of civil and political rights in Pakistan must be tested by examination of the availability of these rights to its citizens. It can be said that the Pakistani people do not have the possibility of enjoying any of the civil rights enshrined in the ICCPR, due to the extreme crisis of administration of justice in Pakistan. The Government of Pakistan has failed to adequately fund the institutions of justice namely the policing system, prosecution system, judicial system and the prison administration system. None of these institutions are capable of protecting the rights of citizens. The use of torture and ill treatment is widespread throughout Pakistan. It is carried out in every police station even in the investigation of petty crimes. Interrogation amounts to nothing more than the use of torture an ill treatment. In all the institutions of justice there is widespread incompetence and inefficiency due to the poor quality of officers at all levels. This is the result of the government’s failure to adequately fund the justice process. Illegal arrests and illegal detentions are common. Denial of the right to life by way of widespread use of enforced disappearances is rife. Maintenance of illegal centres as torture chambers and detention centres is well known. A fair trial is denied due to enormous delays without adjudication. The poor cannot afford the cost of litigation and therefore they are victimised at all levels of the judicial process. All these factors give rise to widespread corruption and corruption bedevils every aspect of the life of the people.

Discrimination on the basis of gender and religion is basic in Pakistan. Many women are killed. Many more are subjected to various types of abuse due to marriage related issues. This could be forced marriages, honour killings, dowry related killings and violence. Education on a large scale is denied to girls. Even poor male children have scarcely any access to education. In the health sector denial of the rights of the poor is quite evident.

Religious intolerance is widespread and attacks on religious minorities happens often. Most victimised groups are Hindus, Christians, and the Ahmadis, a minority sect of Islam. The Shia community, the second largest sect of Islam is also subject to violence.

**Introduction made by the Government of Pakistan contradicts the realities**

Civil rights exist in Pakistan in name only. The Government does not honour Article 2 of the ICCPR. It is obligated to provide for legislative, judicial, administrative and other measures. This would ensure that the people enjoy the rights enshrined in the ICCPR and other UN Conventions.

The absence of an efficient and proper criminal justice system has mired the rule of law. It is the greatest hurdle to the implementation of provisions of ICCPR. A convention cannot work in a state where respect for human rights is non-existent. The state has not reengineered the judicial system and has resisted all efforts at modernizing the prosecution, judicial and police departments.

Custodial torture has further eroded public confidence. People do not approach the police for redress of their grievances. Consequently, cases of human rights abuse often go unreported and unaddressed by the state. As many of the postings are political in nature, how can the officers be expected to perform their duties untainted by corruption? Recently the chief justice lamented the fact that the police stations are sold[[1]](#footnote-1).

Extra judicial killings, custodial torture, enforced disappearances and arbitrary arrests are all actions of a dysfunctional judicial system. The constant rise in the above mentioned rights abuses at the hands of the state, speaks volumes about the state of human rights in the country. Ostracized by the state itself, vulnerable citizens are unable to survive. Each day thousands of lives are lost due to illegal state action, honor related crimes, violence against women, militancy and attacks on religious and ethnic minorities.

Mere ratification of ICCPR will not eliminate this vacuum. The government of Pakistan has failed in implementing the provisions of ICCPR in earnest. And, in fact, it has been enacting draconian laws that blatantly infringe upon the basic and fundamental freedoms of the common man, guaranteed under the convention. Establishment of military courts, enactment and implementation of the Protection of Pakistan Act and the continual rise in extra judicial killing and enforced disappearances, belie state claims of affirming the provisions of ICCPR.

**Observation of the Asian Legal Resource Centre on the report submitted by the Government of Pakistan**

On April 17, 2008, the government of Pakistan signed ICCPR. It was ratified on June 23, 2010 with certain reservations. They were on articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Convention. The world community raised the question: do the Pakistani reservations comply with international law?

Most of the reservations were incompatible with the objectives of ICCPR and need to be withdrawn. The Prime Minister, at that time, Mr. Syed Yousaf Raza Gilani gave directions to withdraw most of the reservations regarding articles 6, 7, 12, 13, 18, 19 and 40 of ICCPR. As a result, there are now only two reservations regarding articles 3 and 25 that seem unspecific and non-transparent.

According to article 3, the state is bound to “ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.” Thus the reservation is not transparent and infringes the basic right of active participation in politics for both men and women.

"The Government of the Islamic Republic of Pakistan declares that the provisions of Article 3 of the International Covenant on Civil and Political Rights shall be applied so as to be in conformity with Personal Law of the citizens and Qanoon-e-Shahadat.". The reservation is not specific and violates the equal status of men and women. If Pakistan wants to maintain its constitutional requirements, then specific reservations must be submitted.Qanun e Shahdat ordinance provides that in matters of financial concern the evidence of one man or two women will be admissible. This means that women are treated as half of a man in terms of financial matters.

"The Government of the Islamic Republic of Pakistan states that the application of Article 25 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in Article 41 (2) and Article 91 (3) of the Constitution of Pakistan.

The freedom to profess one’s religion is integral to the ICCPR. Any law that abridges that freedom is in violation of and in contradiction to Pakistan’s international commitment. The said article of the constitution provides that the President, Speaker and deputy speaker must be a Muslim barring all non-Muslims from holding the office. Such provisions of the constitution and the reservations are in sharp contrast to ICCPR’s article 25. The state does not deem all citizens to be equal. It is biased and prejudiced against non-Muslims. The Constitution institutionalizes and gives legitimacy to this prejudice.

In Sindh province, Pakistan’s minority suffers the wrath of the majority with full impunity from the state. Hindu women are being abducted and forcibly converted to Islam. Many Christians are suffering under the blasphemy law, a law which itself is in contradiction to the ICCPR. Churches, temples and other places of worship are routinely destroyed. In Pakistan, no one is free to go to their temples, mosques or any other place of worship other than the Sunni Muslim majority. And even they go to their mosques under threat of terrorist attacks and violence.

Enforced disappearances have become a common occurrence in Pakistan. This is a consequence of absence of the rule of law. In Balochistan alone, credible sources have claimed that more than 14,000 people are still missing, while the Balochistan provincial government officially recognizes less than 100. Sindh province also experiences enforced disappearances. Right based organizations claim that in Sindh province more than 350 persons disappeared after their arrest by the Rangers and other LEA.

Arbitrary detention and enforced disappearances belies state claims of reforms in the criminal justice system. A law enforcement agency is authorized by the state to arrest without warrant and intimation of any one they deem suspect. Detainees are kept incommunicado. They are not presented in court within 24 hours of arrest as provided by the constitution. The illegal detention may last for months while the loved ones of the detainee run from pillar to post to try to locate their whereabouts.

Post December 16, 2016, the Peshawar carnage, wherein more than 150 school children and staff were massacred by the Taliban, the government of Pakistan went into a damage control mode. They drafted a 20 point “National Action Plan (NAP) to counter terrorism and insurgency in Pakistan. Six months since its promulgation the NAP has been reduced to a joke. Recently, during a hearing, a senior judge of the Supreme Court remarked that NAP was devised to deceive the masses. He added that not a single bit of work has been done on the plan despite the fact that six months has elapsed since its inception. Mocked by the citizens, who jokingly refer to NAP as “No Action Plan”, the policy appears to have lost relevance as the government struggles to garner the support of the religion-based political parties. Instead of implementing NAP in letter and spirit, the government is focusing more on registration of cases and cramming more and more people into the jails.

The State’s reluctance to target madrassas, Islamic seminaries that are teeming with militants and their sympathizers, has caused more damage to the cause of counter-terrorism than anything else. The Nawaz Sharif government is often criticized for siding with the Deoband school of thought. It teaches militancy by narrating Jihad (holy war) against every evil. The policy of complicity will have to be changed to tackle religious obscurantism. In addition, the government will have to dismantle the network of sectarian groups while considering all the relevant factors.

One of the key points of the National Internal Security Policy (NISP) 2014-2018 was to revive the National Counter Terrorism Authority (NACTA). This defunct internal counter intelligence agency has yet to be promulgated, its creation being continuously delayed due to state disinterest. NISP is, in fact, eyewash, to deceive the public into believing that the State is resolved to root out terrorism. To date, no funds have been earmarked for this purpose. It is unfortunate that the government is reluctant to provide funds to operationalize NACTA. According to the Ministry of Interior, a total of 30 billion Pakistan Rupees is the budget required for the agency; however, only 160 million Rupees has been allocated.

**Article 1**

The government’s claim of “ guaranteeing all its citizens over the age of 18, the right to franchise” in Para 45 falls short when one finds that 53,000 female registered voters in Lower Dir Khyber Pakhtun Khuwa province were barred from casting their vote[[2]](#footnote-2)**.**

Women from Dir District Constituency PK-95, Lower Dir-II Khyber Pakthunkhuwa (KPK) Province of Pakistan, were stopped from casting their vote in poll elections held on 7 May 2015.  None of the 53,000 registered female voters showed up to exercise their constitutional right to vote. Though women of Dir are quite well educated, they have not been allowed to participate in political decision-making.

The Ahmadiyya Muslim Community has once again been deprived of their fundamental religious freedoms and universal civic rights. For the local body elections, the Election Commission of Pakistan (ECP) has made an addition to their guidelines, instructing registration officers and other staff to enter Ahmadi votes separately in the Initial Electoral List. During the general elections of 2013 the Election Commission has deleted their names from the electoral list and made it mandatory for them to cast their votes through a separate list. In protest, the Ahmadiyya community boycotted the elections. Though the elections are held on a joint electorate basis, the government, to appease the Muslim fundamentalists and militants, introduced a separate electoral system.

Article 20 of the Pakistani Constitution guarantees freedom of religion. Pakistan is a signatory to the UN Charter of Human Rights. The government is under obligation to safeguard the fundamental rights of all without discrimination based on religion, faith, or belief.

Para 47 speaks about the policy of non-discrimination adopted by the state. The sad reality is that such a policy exists on paper only. Religious and ethnic minorities continue to suffer discrimination. This continues despite the constitutional obligation to protect the life and property of all citizens regardless of their caste, ethnicity, religion or gender. The state plays the role of the bystander when human rights abuses occur at the hands of the powerful majority group.

Minorities have regularly been hoodwinked into believing that their rights shall be guaranteed and protected by the state. In 2014, The Supreme Court ordered the government to establish a National Council for the Rights of Minorities and set up a special “Task Force. In pursuance to the Supreme Court verdict, the government of Prime Minister Nawaz Sharif has commenced a process to establish the National Council on Minorities’ rights. The government, in contravention of the terms of reference of the commission, finalized the entire process without consultation of the key stakeholders. They are not representatives nor the minority groups themselves.  Religious minority groups have termed such a move as undemocratic and unethical. To date the commission is yet to be formally established.

There are an estimated 500,000 ‘third-gender’ citizens in Pakistan including cross-dressers, transsexuals, eunuchs, hermaphrodites, and transvestites. Their rights are guaranteed on paper. But, members of the transgender community do not have these rights in practice. While the Supreme Court ordered that free education and free health care be guaranteed to the community, provincial departments have yet to implement this decision.

The discrimination against the community is evident. In the flood of 2013, that devastated half of the KPK province, the community was left out of the aid efforts. They were denied access to Internally Displaced Person camps because of general prejudice, their non-conforming appearance, and their lack of proper identification documents. The court order and ruling had no bearing on the provincial administration that denied the community their right to being treated as equals.

Forty-five transgender persons have been targeted in Khyber-Pakhtunkhwa since January 2016 alone. Sexual violence against the community is completely overlooked by the authorities, despite repeated attempts at seeking help from the local police.

**Article 3**

According to a Thomson Reuters Foundation poll, Pakistan is the third most dangerous country in the world for women, after Afghanistan and Congo. A rape occurs every two hours. According to statistics, each day 12 women suffer rape in the “land of the pure.” In a country, where 52 percent of the population suffers sexual and domestic violence, intolerance and extremist behaviors are to be expected. Mere ratification of CEDAW will have no effect. Pakistan’s media daily reports the following abuses against women: burning alive, burying alive, mauled by dogs, honor killings, acid throwing, and physical torture. While proudly claiming its place in the nuclear club, among the world’s most powerful states, Pakistan remains silent on the growing medieval practices against women and children.

More than 7,010 cases of violence against women have been reported in 2015. Pakistan’s performance in terms of the Gender Inequality Index (GII) is also one of the worst in the world. Each year 1000 women are killed in the name of honor, yet thousands more go unreported.

Very recently, on 28 April 2016 in Karachi, a brother mercilessly stabbed his 17-year-old sister to death in the name of so-called honor. The video, of this cold-blooded murder on social media, shows the young woman continuing to beseech the brother for her life. But, he let her bleed to death in front of a crowd of men. In another incident of honor killing, on 5 May 2016, in a village near Abbottabad (KPK), the local Jirga (council of elders) ordered a 16-year girl to be burnt to death. The only fault young Amber committed was to help her friend elope with her lover.

Women from religious minority groups (other than Muslims) are the biggest victims of State sponsored violence. The State remains a silent spectator when Muslim extremists force girls to convert to Islam, abduct, gang rape and parade them around naked.

Under Para 60 the government has stated that the Jirga’s have been making illegal and unconstitutional decisions. In reality, the jirga culture continues unabated throughout rural Pakistan. *Jirga*s inherently follow traditional norms which do not favor the weak. Absence of the rule of law and the lack of political will to outlaw Jirgas, has allowed the system to exist with impunity. Post independence, the formal legal system that Pakistan inherited after partition was not expanded to the tribal regions. Criminal and civil law codification systems were not allowed to be implemented in the regions governed by feudal politicians.

In the absence of a fair and functional judicial system that can uphold the rule of law, Pakistani citizens are at the mercy of landlords, who dole out punishment on a whimsy.

**Article 6**

Para 68 articulates the measures taken by the state to protect the right to life of its citizens. However, the rise in extra judicial and encounter killings speak otherwise. The conviction rate for any officer found acting in excess of his duty is almost zero. Such officers are rarely suspended. Rather, they are transferred to other jurisdictions until the matter of custodial death fizzles out.

Extrajudicial killing is a symptom of a systematic collapse of the judicial institutions, which have failed to dispense justice. Extrajudicial and arbitrary killings erode the structure of equity and human rights that form the basis of justice systems throughout the world. By providing impunity, the State has itself become a party in the murder of its citizens, denying them the right to a fair trial and due process.

Since the start of the Military operation, Zarb-e-Azb, two years ago, to curb terrorism, extrajudicial killings have increased manifold. Political victimization by the Law Enforcement Agencies (LEAs) is the norm in Pakistan. Extrajudicial killings not only negate for citizens their right to a fair trial, as per Article 10 of the Constitution of Pakistan, but also their right to defend themselves in a court of law. Victims were picked up by LEA officials without warrants and later killed in custody or in staged encounters.

Every morning the news lists the numbers of extra judicial killings. On average, at least three persons are killed daily in encounters or during raids on militants.

The right to a fair trial is a luxury that few in Pakistan can afford. Extrajudicial killings not only negate for citizens their right to fair trial, as per Article 10 of the Constitution of Pakistan, but also their right to defend themselves in a court of law. The collapse of the criminal justice system has further driven the current climate of impunity and lack of accountability for LEA operating in Pakistan. A senior police officer, Rao Anwar, who allegedly killed 60 people in a single fake encounter, was quoted by Reuters. They stated that since a state of war exists there are always gray areas in such matters. Mr. Anwar added that when the justice system fails to convict suspects then such things happen.

Human rights conditions in Pakistan are deteriorating, particularly the right to life. Lifting the moratorium on the death penalty has led to the execution of 411 people till date, the vast majority of whom were not convicted of terrorist offences. Initially reserved for terror convicts, the death penalty was extended to all capital crimes on 10 March 2015, including kidnapping and murder--all at the behest of the military establishment.

Pakistan’s lifting of the moratorium on the execution of death sentences while its criminal justice system is mired in corruption and injustice is a complete travesty. Exercising the death penalty in an already intolerant society is clearly a populist move, rather than a deterrent to crime and terror. Confessions obtained through torture are the basis upon which the Anti-Terrorism and Sessions Courts are handing down death sentences. Blind to justice and international norms, these Courts have given death sentences to minors and the mentally and physically challenged.

Pakistan is believed to have the largest number of death row inmates in the world. In October 2015, according to government figures, 6,016 prisoners were awaiting execution. Other estimates, are however higher, putting the number close to 8,000. Up to 1,000 persons convicted as juveniles are facing execution. The AHRC has been documenting several such cases. Please refer to our Urgent appeal[[3]](#footnote-3) on the issue.

Article 9 of the Constitution states, “No Person shall be deprived of life or liberty, save in accordance with law,” yet the civilian and military courts are sentencing people without following due process. Even the façade of the rule of law has taken a back seat, as the State gropes in the dark to deter terrorism with judicial and quasi-judicial terror.

The right to life is a supreme and inalienable right; any exception to it must be narrow and well-founded. As the death penalty legitimizes an irreversible act of violence by the State, it will inevitably claim innocent victims. As long as human justice remains fallible, the risk of executing the innocent can never be eliminated. Surveys and studies conducted by the United Nations and others show that capital punishment does not deter crime. On the other hand, an increase in the likelihood of being caught and rehabilitation for first-time offenders are certainly a deterrent. By focusing on punishment, the State’s attention is taken away from other important goals.

**Article 7**

In contrast to claims by the state, no legal framework exists on torture in the country. Constitutional provision on torture under article14 is extremely limited. It does not provide any redress for the victims of torture. According to our Constitution, dignity and safeguards against torture are the inviolable human rights of every citizen. Yet the safeguard is not translated into a cohesive and comprehensive legal framework that punishes the perpetrators. Not only does article 14 fall short of defining torture, it has created an ambiguity that works in favor of law enforcement agencies.

Although Pakistan has ratified the UN Convention against Torture (UNCAT), it has failed to criminalize torture in custody. There is no official data available on the incidents of torture. It is the least documented human rights abuse in the country, but some 1500 cases of torture are reported yearly. None of the cases come before the courts however, due to the absence of any law against torture.

Despite the validity of the Police Order being ensured by the higher judiciary, enforcement of the law to ensure action against perpetrators of torture never materializes.

A lack in uniform policing laws has created legal lacunas that hinder reprimanding of police officers. Internal enquiry by the police is a farce that does little to curb the tide of custodial torture. Those who routinely indulge in torture during an investigation do so without fear of any action to be taken against them. A plethora of opposing laws, in a country where concurrent criminal justice systems are operating, will further complicate the matter. This results in yet more inefficiency in the police departments. The state fixated on a returned Dubai mason whose case was first reported by the AHRC.[[4]](#footnote-4) Faisal Muhammud Raja, a mason, was severely tortured in police custody and left maimed for life. Faisal’s case is an example of Pakistan’s criminal justice system where custodial torture is used as a systematic tool to obtain a confession or to extort money. Police officers have become extortionists. They exert pressure upon families to pay exorbitant amounts to ensure the safety and release from custody of their loved ones. Recently, a “plague of heart attacks” seemed to be going around among healthy men who have been taken into custody. Although the government has claimed that it has taken action against suspect police officers, up to today no proceedings have been taken against them. They are still enjoying their positions.

Police torture in custody is an indication of a dysfunctional, failing criminal justice, investigation and prosecution system. Giving impunity to law enforcement agencies, in the name of maintenance of writ of state and law and order situations, has further eroded trust in the state. Institutionalized impunity has corroded the entire legal system from the registration of the FIR to sentencing for torture. It impedes the path to justice.

Judges and magistrates overlook complaints of torture. They decide from their chambers on requests of police custody. Rarely do they inquire from the accused whether they have been mistreated. Rarely do they order a medical examination following a complaint of torture.

The criminal justice system is hypocritical and elitist. It punishes the poor and marginalized, who are often involved in petty crimes, while allowing those with money to get away with heinous crimes. This selective administration of justice has caused massive overcrowding in the prisons.

Unlike the claim made by the state, jails in Pakistan are not reformatory institutes as they should be. According to the International Centre for Prison Studies, there are currently 97 prisons in Pakistan, of these 32 are in Punjab, 26 in Sindh, 22 in Khyber Pakhtunkhwa, 11 in Balochistan Provinces, and 6 are in Gilgit Baltistan, a newly included territory of Pakistan. The authorized capacity of these prisons collectively is 42,670. However, 78,328 prisoners are housed in these prisons. Thus, the jails throughout Pakistan are housing 35,000 more prisoners than their designed capacity. Thousands of prisoners are awaiting trial for minor crimes such as theft, substance abuse, drinking, and possession of drugs and alcohol.

**Article 8**

Pakistan ranks third in the Global Slavery Index with an estimated **2,058,200** people in modern slavery – this is equivalent to **1.13% of the entire population.** A weak rule of law, widespread corruption and poverty reinforce political, social and economic structures of modern slavery in Pakistan. The country also retains its position in the US State Department Trafficking in Persons Report for 2015. The lower judiciary and police rarely arrest or prosecute the perpetrators.

By virtue of Darshan Mashih vs. State (1990**)** the Supreme Court banned bonded labor as unconstitutional. Subsequently, the **Bonded Labor System (Abolition) Act, 1992** was promulgated and enacted. Despite the enactment, the law was not implemented in earnest. The brick kiln workers were not made aware that they didn’t have to pay off old debts, magistrates were not informed of their responsibilities and members who were proposed to be a part of these vigilance committees were not cognizant of their roles.

**Article 9**

Arbitrary detention and enforced disappearances belie state claims of reforms in the criminal justice system. Police Order 2002 is implemented in only two provinces, namely the Punjab and the KPK. Arbitrary arrest and detention have increased. The enactment of the draconian Pakistan Protection Act has given the act a legal cover. This allows law enforcement agency officials impunity, to prosecute the suspect.

**Article 12**

In blatant violation of Article 12 of the ICCPR, Mama Qadeer,General Secretary of Voice of Baloch Missing persons (VBMP), Ms. Farzana Majeed and one activist, Ms. Faiqa Baloch were denied the Right to freedom of movement. They were barred from traveling to New York, USA, to attend a conference on human rights violations in Baluchistan and Sindh.[[5]](#footnote-5)

No activist from Baluchistan is allowed to travel abroad to speak against the atrocities of the Government and the military. It is shocking that so many terrorists, who have a bounty on their head, and many corrupt government officials who were sentenced for plundering government funds, have been allowed to leave the country even though their names were placed on the exit control list.

**Article 14**

Establishment of a military court and undermining due process is a blatant violation of article 14 of ICCPR. Military courts go against the basic foundation / structures of the Constitution. Giving any one group all-encompassing powers, goes against the basic structure of the Pakistani Constitution. The government has created parallel systems within the justice system. Not only are they against the right of fair trial, as provided in ICCPR Articles 14 and 16, but are against the fundamental right of fair trial and due process as enshrined in Article 10A of the Pakistani Constitution.

Procedure followed by the military courts does not strictly adhere to the dictates of equality before the law. It places the burden of proof on the accused to prove himself or herself innocent. This runs counter to the fundamental principal of criminal justice, “innocent until proven guilty”.

**Article 18**

The state’s claim of allowing its citizens the right to profess their religion is untrue. Though the Constitution, in its current form, guarantees freedom of religion to minorities, this is not reflected in the moral or social fabric of Pakistan. Religious persecution has dominated human rights abuse in Pakistan. The utter disregard for the rule of law and the complete impunity given to law enforcement agencies is a recipe for disaster for Pakistan’s minorities. Despite having the constitutional guarantee of state protection, they are left to fend for themselves.

State bias and prejudice is apparent in judicial and administrative attitudes. They target Ahmadis, Christians, Hindus and Hazara Shias. The beleaguered communities are made to suffer continually for their beliefs, being denied jobs and promotion in State departments. They are not allowed to profess their beliefs openly; their properties and burial places are often vandalized by uncontrollable fundamentalists. The State does not intervene to protect the life or property of a citizen belonging to a minority group, despite its obligation to protect all citizens.

1. Increasingly we see the State involved in religious persecution. The State, no longer a silent spectator, has become an active abettor in systematic and continuous religious persecution. On 25 September 2014, a 71-year old prisoner, who received the death sentence in a blasphemy case, was attacked and critically wounded. The policeman on duty opened fire on him in the Adiala Jail, Rawalpindi, close to the capital, Islamabad.

In a number of cases of forced conversion, the Judiciary has failed to protect the interests of the minorities. An example is the case of Rinkle Kumari. The Supreme Court judge congratulated the perpetrator of a forced marriage and termed the actions as a great service to Islam

**Article 19**

Freedom of expression suffers the most in the tug of war of constitutional discourse. Pakistani youth is fed on a retrogressive State narrative. Critical thinking is discouraged and limited.

The Constitution and certain legislations authorize the government to curb freedom of speech on subjects that include the Constitution itself, the Armed Forces, the Judiciary, and religion. Harsh blasphemy laws have occasionally been used to suppress the media as well. Pakistan’s youth are discouraged from thinking critically. The education system itself limits freedom of thought and expression.

While the space for the free press has shrunk, attacks on journalists continue with impunity. A report analyses how courts adhere to state policies of curbing free speech, thus limiting the scope of any constitutional safeguards. Though courts understand the significance of free speech for the survival and sustenance of democracy, they have overwhelmingly held that such rights are not absolute

The Prevention of Electronic Crime Act (PECA), a retrogressive law curbing free speech, has been sent to the parliament for approval. It has been severely criticized by civil rights activists. The draft law may prove to be the last nail in the coffin for freedom of expression in Pakistan. Such draconian laws make it impossible for citizens to express their views without fear of a repercussion or a backlash from law enforcement agencies. What is even more alarming is that the country’s judiciary, the bastion of equality and protector of fundamental rights, is becoming a party to the injustice.

1. https://www.thenews.com.pk/print/136502-Police-stations-are-auctioned-here-CJ [↑](#footnote-ref-1)
2. <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-079-2015> [↑](#footnote-ref-2)
3. http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-147-2015 [↑](#footnote-ref-3)
4. http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-074-2015 [↑](#footnote-ref-4)
5. <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-036-2015the> [↑](#footnote-ref-5)