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COMMISSION ON HUMAN RIGHTS  
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement\* submitted by the International Federation for Human Rights (FIDH),  
a non-governmental organization with special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## PAKISTAN

The International Federation for Human Rights (FIDH) expresses its serious concern regarding the situation of human rights in Pakistan.

The Musharraf government pretends to play by human rights rules, to present a democratic façade to the regime, to allow freedom of expression in order to gain some national and international legitimacy, when it is actually putting all its energy in maintaining its grip on power. The regime is working by *ad hoc* political expediency, as again shown by **Musharraf's decision to renege on his commitment to step down as Chief of Army Staff** at the end of December 2004. Such erosion of the rule of law since 9/11 has been compounded by a growing lack of independence of the judiciary, which has in effect become under near complete political control of the Executive.

**Freedoms of expression and information** paid a high tribute to this repressive policy. In spite of a few positive steps, the regime uses a variety of methods to limit freedom of expression:

1 The **harsh legislation** – be it media-specific or general laws –, aimed at curbing free expression in the country. Indeed, Musharraf has not hesitated to pass through ordinances (i.e. without parliamentary scrutiny) five repressive laws specific to the media.

2 The **outright ban** of publications and media outlets when too critical of the regime. The government has also blocked internet sites on politicised grounds.

3 The **heavy-handed tactics** of the police, the army and the intelligence services, designed to intimidate journalists perceived to have gone “too far”.

4 The pressure is compounded by a tradition of secrecy within Pakistani politics, and an extremely wide understanding of “national interest”, which make it particularly difficult to investigate on and/or divulge sensitive matters.

5 A **more subtle, yet unmistakably systematic, pressure to force journalists into conformity**, such as preventing them from attending press conferences. The authorities expect the press to be compliant and an instrument of the government's position. The government does not hesitate to put massive pressure on chief editors and/or journalists to force publication of its own positions, or to prohibit publication of dissenting views.

6 The **structural vulnerability of press groups**, especially smaller ones, which makes them more likely to yield under pressure from the Executive, as they heavily depend on government advertisement for their financial viability. The government has thus not hesitated to use the financial levy against media groups critical of its policies by banning official advertisement in newspapers.

7 The **economic insecurity of journalists**, at the mercy of their hierarchy and thus subject to various pressures, limits their ability to express dissenting views.

8 The *de facto* **impunity granted to religious groups** who themselves pressurise and/or intimidate journalists.

9 The **decreasing independence of the judiciary** (further constricted under Musharraf) has not helped counterbalance the bias against freedom of expression in Pakistan, as proper judicial remedies have not been available to *bona fide* media practitioners.

10 **Similar pressure stems from local and provincial authorities** as well. The heavy-handed tactics used by the federal government against the media, combined with its political alliance with the MMA, ( the Muttahida Majlis-e-Amal, a coalition of six major religious parties) means that a near-complete impunity is also granted to provincial and local authorities when they, too, decide to impose *de jure* or *de facto* restrictions on the media.

11 The combination of the preceding measures and restrictions has led to **self-censorship** on the part of the media outlets as well as journalists. The sensitive issues not to be broached are:

- Questioning the military, especially in stories relating to its corruption.
- The conflict zones and the operating areas in FATA
- The presence of terrorist groups on Pakistani soil and the fight against Al-Qaeda
- Questioning Islam.

Such limitations of freedom of expression hold true for **academics and NGOs** as well. Human rights NGOs, especially those working in the field of women's rights, have faced increased hardship in recent years.

#### Freedoms of association and assembly

Unfortunately, the Musharraf regime has imposed on freedoms of association and assembly similar restrictions than on freedom of expression: enacting repressive laws, and using heavy-handed tactics to violently harass or intimidate groups or individuals defending or exercising these very freedoms. Non-state entities, mainly fundamentalist groups, have also had a near free hand to pressurise and intimidate human rights defenders.

The government makes an immoderate use of Article 144 of the Code of Criminal Procedure, which makes any gathering of more than four people subject to police authorisation, in order to limit freedom of assembly. This is particularly true for opposition activists, who are systematically targeted, thus further weakening the already fragile situation of democracy in Pakistan.

Pakistani **trade unions** face severe hardship. Government policies of interference in union politics, like the use of undue influence in union elections, added to a lingering feudal mindset and a mind-numbing slowness of labour courts, have weakened and factionalised trade unions in Pakistan. But the newly-adopted Industrial Relations Ordinance 2002, which adversely affects trade union rights, probably constitutes one of the severest blow to trade union rights in Pakistan.

### **Rights of religious minorities**

If Musharraf has to be commended for setting up a joint electorate for minorities, their situation, especially in the case of Ahmadis, remains precarious. In practice, religious minorities are increasingly targeted by local and provincial authorities as well as by fundamentalist groups, in total impunity. In addition, Musharraf has not moved against the “Blasphemy Law”, which has been repeatedly condemned by national and international observers as severely contradicting freedoms of opinion, of expression and of religion, and which is repeatedly used against minorities in an often most arbitrary manner.

### **The Tribal Areas of Pakistan**

The Tribal Areas of Pakistan known as the Federally Administered Tribal Areas (FATA) have a semi-autonomous status, administered through a separate legal system, known as the **Frontier Crimes Regulation**, which has remained unchanged since 1901. The result is the absence of the fundamentals of any sound democracy: elected government, separation of executive, judicial and legislative; judicial review and human rights protections. Though part of Pakistani territory, the inhabitants of FATA are denied the guarantees enshrined in the Constitution of Pakistan. The FCR blatantly contravenes many of the provisions of the Universal Declaration of Human Rights. In particular, the FCR provides for collective criminal responsibility, meaning that the whole family or village of a fugitive can be punished until his surrender or punishment by his own tribe. Foreigners and journalists are prohibited from entering into FATA, especially in the zones where military operations are taking place, thereby severely limiting the flows of news from that region.

Sadly enough, in spite of that blatant disregard for democratic principles and human rights since September 11, Musharraf benefits from the full support of the international community. In its “war on terror”, the international community has, in a very short-sighted and narrow vision, decided to remain silent in the face of human rights violations committed by Pakistan, as a “strategic ally” – without realising that in the long run, they end up consolidating their enemy rather than weakening it, while at the same time alienating the moderate, democratic groups and parties.

### **The FIDH calls upon the Commission on Human Rights to adopt a resolution on the situation of Human Rights in Pakistan, asking the authorities to:**

- repeal all ordinances and decrees which contravene the 1973 Constitution;
- organise free and fair elections so that the power be brought back to a civilian and duly elected government;
- restore the independence of the judiciary;
- take meaningful steps to tackle religious extremism;
- amend domestic legislation (Industrial relations Ordinance, Defamation Ordinance, University Ordinances, the Blasphemy Law, the Hudood Laws and the Qisaas and Diyat Ordinances as well as the Law on Evidence, etc) in order to bring it in conformity with international human rights standards on freedom of expression, freedom of association, on freedom of religion, on the prohibition of discrimination, and on women rights;
- abolish all provisions discriminatory to minorities, including Ahmadis;

- amend the Frontier Crimes Regulation and extend the human rights guarantees enshrined in the Constitution and in domestic legislation to the FATA;
- ensure that all the authors of acts of discrimination are duly brought to justice;
- fully comply with the United Nations Declaration on Human Rights Defenders;
- review Sections 144 and 188 of the Criminal Code of Pakistan and make sure that they are not used to curb peaceful dissent;
- to issue a standing invitation to the Commission special thematic procedures and to implement the recommendations formulated by those mechanisms;
- to submit its state reports to the UN treaty bodies, and in particular under the CEDAW and the CERD;
- to ratify the ICCPR and the ICESCR without further delay and without reservations contrary to the object or purpose of those treaties.

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