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PAKISTAN: ELECTION CANDIDATES MUST PRIORITISE HUMAN RIGHTS

Amnesty International calls on all candidates for Pakistan's parliamentary elections on 11 May to prioritise human rights in their campaigns. Amnesty International also calls on all candidates to commit to the following 'human rights agenda' - specific benchmarks aimed at improving respect for and protection of human rights in Pakistan.

There have been a number of improvements in enshrining human rights in law over the last five years, the first time that an elected government has completed a full term. These include the enactment of laws that seek to ensure fundamental rights, including the rights of women, and ratification of some key international human rights treaties. However, human rights abuses by state and non state actors have continued and in some respects become far worse over the same period. The state continues to have a poor record in bringing perpetrators of human rights abuses to justice in fair trials without recourse to the death penalty.

There has been significant election-related violence since the polls were announced in March. Amnesty International condemns in the strongest terms threats and attacks on political parties, their supporters and staff of the Pakistan Election Commission by the Pakistani Taliban and other armed groups. In parts of the Federally Administered Tribal Areas, the Taliban have also banned certain parties from openly campaigning because they are deemed to be secular. At least 2 political party representatives have been assassinated by the Taliban. The Pakistani authorities must ensure that all political party representatives and their activists, voters and state officials involved with the election process are protected against such attacks and ensure the perpetrators are brought to justice in fair trials with no recourse to the death penalty.

Amnesty International further calls upon the caretaker government of Pakistan to respect and protect the rights to freedom of peaceful assembly and association and freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas. The authorities must investigate cases of human rights abuses in the context of election-related violence and, where such abuses are established to have taken place, ensure that the perpetrators are brought to justice.

All candidates and political party representatives must respect and uphold human rights and refrain from taking part in or inciting violence against political opponents or other segments of Pakistan society. They must ensure that disciplinary measures are taken against any party member or candidate who commits human rights abuses and must cooperate fully with any investigations by the authorities into human rights abuses in the context of election-related violence.

Amnesty International believes that an improvement in the protection of human rights is key to a genuine and sustainable improvement in the rule of law in Pakistan.

Human rights agenda for all candidates:

1. End arbitrary and secret detention and enforced disappearances once and for all

Arbitrary detention without charge or trial, secret or unacknowledged detentions, and enforced disappearances continue across Pakistan despite promises by the executive, parliament and courts over the last five years to end these practices. Pakistan's high courts gained unprecedented access to a handful of individuals who were alleged to have been subjected to enforced disappearances by state

security forces and established two commissions of inquiry into enforced disappearances. But there has been little progress in determining the fate of thousands of people who have disappeared. As far as Amnesty International is aware, no serving or retired member of state security forces and intelligence services has been prosecuted for alleged involvement in enforced disappearances, even in high profile cases where there is strong evidence of culpability such as the 'Adiala 11' and the 'Balochistan law and order' cases. Individuals continue to be subjected to enforced disappearance in Pakistan; in many cases their bodies are later discovered bearing what appear to be signs of torture, particularly in the north-west and Balochistan and Sindh provinces. Victims of enforced disappearance, including families, lack an effective remedy and access to justice. They fear reprisals if they speak publicly about their ordeal.

We call on all election candidates to commit to:

- Ending the practices of secret and unacknowledged detention and enforced disappearance and all forms of arbitrary detention;
- Ensuring that anyone held in secret or arbitrary detention is promptly released or charged with an internationally recognized offence in fair trials, and transferred to official places of detention with access to families, medical assistance and lawyers of their choice;
- Ensuring that an up-to-date, centralized register of all individuals held by the state on national security grounds is maintained and is accessible by relatives, friends and others with a legitimate interest in the information. The register must include details of the names and places of detention, as well as the names of persons responsible for their detention, date of order of arrest and detention, authority issuing such orders and all transfer, release and revocation orders;
- Ensuring thorough, impartial, and adequately resourced investigations into all cases of enforced disappearance and unlawful killings, and, where sufficient admissible evidence exists, prosecution of those suspected of responsibility, including those within the state security forces and intelligence agencies, in proceedings which comply with international fair trial standards, without recourse to the death penalty;
- Providing redress to the victims and survivors of enforced disappearance, including family members, and protect them and other witnesses against intimidation, threats and reprisals.
- Ratification and implementation by Pakistan of the International Convention for the Protection of All Persons from Enforced Disappearance.

2. Enforce human rights protections in north-west Pakistan

Millions experience perpetual lawlessness in Pakistan's north-western tribal areas, where human rights abuses committed by the armed forces and by armed groups like the Taliban are beyond the reach of justice.

Thousands of men and boys have been detained by the armed forces, most arbitrarily without charge or trial. Many have alleged torture and other ill-treatment, are held in secret places of detention and are never seen again. Investigations into such cases are rare and ineffective and human rights safeguards under Pakistan's constitution are excluded from the Federally Administered Tribal Areas (FATA) along with the courts and parliament. Armed forces in the north-west are using broad new security laws, known as the Actions (in aid of civil power) Regulations (AACPR) 2011, and the harsh colonial-era penal system under the Frontier Crimes Regulation (FCR) to commit these violations with impunity. Through these laws the Pakistani authorities have in effect established a framework that gives the armed forces free rein to carry out violations like torture and other ill-treatment and enforced disappearance, instead of following a rule of law approach that would begin the long, difficult process of addressing lawlessness and the absence of effective human rights protections in the north-west.

The Taliban and other armed groups continue to pose a deadly threat – tens of thousands have been killed over the last decade in indiscriminate attacks or attacks deliberately targeting civilians, including human rights defenders and political activists. These groups have also carried out brutal, unlawful killings of captured armed forces personnel or those they accuse of being spies, sometimes following quasi-judicial proceedings that fail to meet even the most basic international fair trial standards.

The authorities must immediately reform the deeply flawed legal system in the tribal areas to address impunity and break the cycle of abuses perpetrated by both state and non-state actors. Although the courts have heard cases challenging the lawfulness of detentions and other acts by the state, there have

been no prosecutions of armed forces personnel suspected of responsibility for torture and other ill-treatment, enforced disappearance or deaths in custody. The authorities also have a poor record in bringing members of the Taliban and other armed groups suspected of perpetrating abuses to justice in fair trials.

We call on all election candidates to commit to:

- Repealing the Actions (in Aid of Civil Power) Regulations 2011 relating to the Federally Administered Tribal Areas and the Provincially Administered Tribal Areas;
- Repealing or reforming the Frontier Crimes Regulation 1901 (as amended), to bring it into line with Pakistan's international human rights obligations;
- Formally extending the jurisdiction of Pakistan's High Courts and parliament to the Federally Administered Tribal Areas by act of parliament or executive order from the President;
- Ending administrative detentions in the Tribal Areas and carry out prompt, independent, impartial and thorough investigations into all allegations of extrajudicial executions, deaths in custody, torture and other ill-treatment and enforced disappearance, and ensure the results of investigations are made public;
- Ensuring that government forces, including the military, the Frontier Corps, the Frontier Constabulary, and officially recognized tribal lashkars (local militias), are adequately trained, equipped, and subject to discipline in compliance with Pakistan's obligations under international human rights and humanitarian law.
- Ensuring that security and intelligence personnel suspected of responsibility for past and current human rights violations are immediately suspended from active duty and face disciplinary and criminal proceedings where sufficient admissible evidence exists, including prosecution in proceedings which comply with international fair trial standards and without recourse to the death penalty;
- Ensuring that, where human rights violations have taken place, survivors and victims receive reparations, including compensation, irrespective of whether perpetrators are identified or convicted;
- Ensuring that members of the Taliban and other armed groups suspected of committing human rights abuses are brought to justice in fair trials without recourse to the death penalty.

3. Investigate human rights abuses in Balochistan

Human rights abuses continue across Balochistan province affecting people from all walks of life and backgrounds. Men and boys from the ethnic Baloch community have been subjected to enforced disappearance and some have been victims of extrajudicial execution. Many of the victims have been recovered dead reportedly bearing marks of torture. Activists advocating greater autonomy for the Baloch population, whom Pakistani authorities accuse of being 'anti-state', are particularly vulnerable to these violations. Relatives and eyewitnesses accuse the security forces, especially the Frontier Corps and intelligence services, of being responsible these so called 'kill and dump' incidents. Despite pressure from the courts, the government has failed to provide a legal basis for arrests and detentions in Balochistan, and no member of the security forces has been brought to justice for these disappearances and killings.

Members of the Shi'a Hazara community have fallen victims to an organised campaign of targeted killings by sectarian groups like Lashkar-e-Jhangvi. Armed Baloch groups like the Baloch Liberation Army have claimed responsibility for targeted killings and other attacks on members of non-Baloch ethnic communities because of their perceived affiliation with the Pakistan state. The province's small Hindu community has faced a string of kidnaps for ransoms as have others. With the province descending into increasing lawlessness, the state has totally failed to protect the people of Balochistan from these abuses or bring the perpetrators to justice in fair trials without recourse to the death penalty.

We call on all election candidates to commit to:

- Ensuring thorough and impartial investigation of human rights violations and abuses in Balochistan and,
- Ensuring, where sufficient admissible evidence exists, that those suspected of responsibility, including members of state security forces and armed groups, are prosecuted in fair trials without recourse to the death penalty;

- Providing reparations, including adequate compensation, for survivors and victims' families who have suffered human rights violations committed by members of the security forces, irrespective of whether the perpetrators are identified or convicted;
- Ensuring all individuals detained for expressing political views considered "anti-state" are released unless charged with internationally recognised offences in fair trials and without recourse to the death penalty.

4. Ensure freedom of expression and protect journalists from attack

Pakistan is one of the most dangerous countries in the world for journalists with at least 48 killed since elections were last held in February 2008 in deliberate attacks by state and non-state actors. Media workers risk harassment, intimidation and even abduction and death at the hands of state security forces, armed groups, religious and political groups and members of the public. Of particular concern is the high rate of attacks on journalists in the north-west, Balochistan province and the city of Karachi. The authorities have failed to carry out prompt, impartial and thorough investigations into attacks on journalists or to bring those responsible to justice. To Amnesty International's knowledge, no one has been prosecuted for killing a journalist in Pakistan since Omar Sheikh was convicted for the murder of US journalist Daniel Pearl in 2002. A judicial inquiry into the killing of journalist Saleem Shahzad in January 2011 failed to identify the perpetrator or to adequately investigate state intelligence services for involvement in the killing, despite uncovering a sophisticated attempt by his killers to cover their tracks and Shahzad's own claims of having received death threats from senior intelligence officials over his reporting.

News media and internet sites including Facebook and Youtube have also been subject to restrictions on the pretext of being anti-state or hosting content contrary to religious sentiments under a range of laws and instruments including but not limited to the Pakistan Telecommunications (Re-Organization) Act 1996, the Pakistan Penal Code, Pakistan Electronic Media Authority Ordinance 2002, and Pakistan Electronic Media Regulatory Rules 2009. Rules passed by the Senate in 2012, on the privileges afforded to Senators and Senate staff, expose journalists to penalties for reporting on certain issues. These restrictions go beyond the limitations on the exercise of freedom of expression that are permissible under international human rights law. They also set a dangerous precedent for future suppression of the right to freedom of expression and send a signal to perpetrators that they may seek to justify human rights abuses as defence of the state or religious sentiments.

We call on all election candidates to commit to:

- Ensuring thorough, impartial and effective investigations into attacks on journalists, regardless of whether attacks are carried out by or at the instigation of state or non-state actors, and
- Ensuring that, where sufficient admissible evidence exists, perpetrators are brought to justice without recourse to the death penalty.
- Ensuring authorities urgently address attempts at intimidating law enforcement officials to deter them from investigating abuses against journalists
- Ensuring that laws regulating the media are not used to intimidate and censor news media or internet sites considered critical of the government or contrary to religious sentiments;
- Ensuring the right to freedom of expression and the right to information enshrined in Articles 19 and 19A of the constitution respectively are respected in all circumstances and in a way which complies with Pakistan's obligations under international law to respect and protect these rights

5. Reform the blasphemy laws and protect religious minorities from discrimination and violence

Pakistan has largely failed to prevent discrimination and violence against religious minorities or bring perpetrators of such violence to justice in fair trials without recourse to the death penalty. Members of the Shi'a community have been attacked in increasing numbers over the last five years while Ahmadis, Christians, Hindus and other minorities continue to face discrimination and attacks.

The Shi'a community has been subjected to systematic, coordinated attacks by armed groups such as Lashkar-e Jhangvi acting with apparent impunity despite continual appeals to the authorities to provide

them protection and justice in the face of regular attacks. Amnesty International has documented 107 separate attacks reported on Shi'as across Pakistan since January 2012 that have resulted in over 650 fatalities - at least half of those killed were from the Hazara community, one of the smallest in Pakistan. To Amnesty International's knowledge, no one has been prosecuted for these attacks in recent years although Lashkar-e Jhangvi claimed responsibility for at least 14 attacks on Shi'ites. The authorities also have a poor record of investigating and, where sufficient admissible evidence exists, prosecuting those suspected of inciting attacks on people on the basis of their religious beliefs, including prominent leaders of groups like Lashkar-e Jhangvi.

Although non-Muslim religious minorities account for less than 4% of the population, they are particularly vulnerable to accusations of blasphemy. The vague formulation of the Blasphemy laws along with inadequate investigation by the authorities prior to prosecution, often under intense public pressure, has created a climate of fear and vigilantism that is a profound threat to the rule of law and communal harmony. Human rights activists, lawyers, judges and political leaders who have spoken out against the blasphemy laws or defended religious minorities have been subjected to harassment, intimidation, threats, physical attack and in some cases killed. No one has yet been prosecuted for the March 2011 assassination of then Minorities Minister Shahbaz Bhatti. In October 2011, the judge who convicted Mumtaz Qadri for the murder of former Punjab Governor Salmaan Taseer was forced to flee the country after handing down the judgment due to fear of reprisals.

We call on all election candidates to commit to:

- Ensuring adequate protection for religious minority communities at risk of attack;
- Ensuring perpetrators of attacks on individuals or groups on the basis of their religion are promptly brought to justice in fair trials without recourse to the death penalty;
- Immediately carrying out an impartial and independent investigation into the persistent failure of the authorities to end such attacks;
- Taking immediate steps to reform the blasphemy laws to ensure they are not maliciously invoked to settle personal enmities or target minorities, and ensure that action is taken to address false accusations of blasphemy, including, where appropriate, prosecution in fair trials without recourse to the death penalty.

6. End violence against women and girls and against human rights defenders

Amnesty International welcomes the passage of four landmark bills by Pakistan's parliament aimed at protecting women's rights. However, violence against women and girls remains prevalent across Pakistan and the criminal justice system continues to fail to investigate and punish abuses against women, including so-called 'honour' crimes. Police investigations are often compromised by political or family influence, corruption, and a lack of basic training for dealing with gender-based violence. Government-run women's shelters require a major overhaul due to poor funding and lack of training of staff to deal with the trauma and other issues faced by survivors.

Human rights defenders have faced increasing threats over the last five years, as demonstrated by the Pakistani Taliban's assassination attempt on education activist Malala Yusufzai and the targeted killing of health workers involved in polio vaccinations across Pakistan. Scores of people have been killed across the country for promoting rights ranging from access to education to health services and labour rights. Many of them have been women or have been advocating for women's access to human rights including access to education and health services. Human rights defenders play a critical role in promoting the enforcement of human rights and the failure to protect them or bring perpetrators to justice has an adverse impact on the human rights of the entire society.

We call on all election candidates to commit to:

- Addressing the low rate of prosecutions of cases of violence against women and girls, including by ensuring that prompt, impartial and effective investigations are carried out into all allegations of gender-based violence, and that suspected perpetrators are prosecuted in proceedings which comply with international fair trial standards without recourse to the death penalty;

- Creating mechanisms to improve assistance to survivors of gender-based violence, including by providing sufficient resources and gender-sensitive training to law enforcement personnel, the judiciary and health-service providers;
- Immediately establishing benchmarks for assessing the implementation of the new laws aimed at promoting women's rights and ensure regular reporting on the progress made;
- Publicly affirming support for human rights defenders and bring perpetrators of attacks on them to justice in fair trials without recourse to the death penalty, in accordance with the UN Declaration on Human Rights Defenders of 1998.

7. End the death penalty

Over 8,300 people are on death row in Pakistan, many for several years facing the agony of not knowing if or when they will be executed. Despite a period of nearly four years without any executions, Pakistan carried out an execution in November 2012. The courts still sentence a large number of people to death, including children and those convicted of blasphemy-related offences and several other offences which fall outside the scope of the 'most serious crimes' stipulated in Article 6(2) of the ICCPR, which UN experts have interpreted to mean only intentional killing.

We call on all election candidates to commit to:

- Immediately establishing an official moratorium on executions with a view to abolishing the death penalty, and commute all death sentences to terms of imprisonment and remove prisoners from death row;
- Pending the total abolition of the death penalty, immediately removing all provisions in national law which are in breach of international human rights law, in particular by:
 - restricting the imposition of the death penalty to only the most serious crimes, that is, crimes of intentional killing;
 - abolishing all provisions which provide for mandatory death sentences;
 - prohibiting the imposition of the death penalty on persons who were below 18 years of age when the crime was committed, the elderly, pregnant and nursing women, and anyone suffering from a mental disability; and
 - ensuring rigorous compliance with international standards for fair trial in all death penalty cases.