



Ref.: TO ASA 33/052/2007

## **Amnesty International's call to political parties to commit themselves to uphold a 12-point plan on human rights**

**18 December 2007**

In Pakistan human rights have been routinely violated with impunity for much of the country's history. Successive governments, whether military or civilian, have ignored their constitutional duty to respect and enforce human rights. The constitution guaranteeing human rights and the judiciary, tasked to uphold them, has been repeatedly treated with contempt.

Successive governments have been responsible for many thousands of arbitrary arrests and detentions. Detainees have been subjected to torture, including rape, leading to dozens of deaths in custody every year. Criminal suspects and political opponents have been extrajudicially executed. Contrary to worldwide trends, the scope of the death penalty has been widened, and hundreds of people, including juveniles, have been executed.

Laws in Pakistan, either passed by the legislature or presidential ordinance, have failed to protect human rights and, in fact, some have contributed to human rights violations. Religious minorities, women and children suffer discrimination, not only in practice but also in law despite constitutional safeguards for their protection.

Armed groups, often with links to sections of the government or political groupings, have been responsible for a range of human rights abuses, including torture, killings of unarmed civilians and hostage-taking.

In the "war on terror" another layer of violations has been added to this already dismal situation. In the pursuit of "terrorists", thousands of people have been arbitrarily detained, tortured and subjected to enforced disappearance. Several hundred were handed over to the custody of other countries without due process and in violation of Pakistani law where they were subjected to further violations. The fate and whereabouts of a large number of persons remain unknown.

The superior judiciary, for years amenable to political pressures, in the recent past developed noteworthy activism to protect human rights as envisaged under

the constitution. This was particularly noticeable in the superior judiciary insisting on the right to *habeas corpus*<sup>1</sup> which the government had ignored. When its pursuit of rights protection was perceived as a threat to the executive of the country, judges were hounded out of office and unlawfully dismissed and some have been arbitrarily detained. The constitution was held in abeyance, a range of human rights suspended, an emergency declared and the law amended to allow military courts to try civilians for a wide array of offences, including those committed in the past with retrospective application to January 2003.

Amnesty International strongly believes that the upcoming elections are an opportunity to improve the human rights situation in Pakistan. Civil society protests over the past months have shown that people in Pakistan wish for an end to the indifference to human rights noted at various times in all organs of the state. Human rights must be fully protected in law and practice.

Amnesty International therefore calls on all political parties of Pakistan to honestly commit themselves to upholding respect for and protection of human rights as provided in international human rights law and standards and in the constitution of Pakistan.

Amnesty International appeals to the parties now competing in the parliamentary elections to firmly commit themselves to the 12-point plan for human rights in Pakistan laid out below, not only in words and in their manifestoes but also in deeds should they assume power after the elections.

## **Human rights agenda for all parties:**

### **1. With regard to human rights guaranteed in the constitution.**

- Uphold constitutional provisions guaranteeing human rights and the rule of law at all times and in all parts of the country without exception.
- Take legislative measures to bring about constitutional amendments to ensure that the constitutional protection of human rights may not be suspended in future or the constitution be ignored in other ways.
- Expand the fundamental rights guaranteed in the constitution to bring them into conformity with international human rights law.

### **2. With regard to the judiciary.**

- Uphold the independence of the judiciary at all times.
- Reinstatement of the judges of the superior judiciary who were punitively and unconstitutionally dismissed in November 2007.
- Put an end to informal bodies unlawfully exercising judicial functions such as *jirgas* and *panchayats*.
- Take steps to abolish courts which do not provide fair trials such as the anti-terrorism courts and limit the jurisdiction of military courts to army personnel, so as to ensure the right to fair trial of persons.
- Extend the regular judicial and legal system to all parts of Pakistan, including to the designated tribal areas.

### **3. With regard to enforced disappearances and unlawful transfers of detainees.**

---

<sup>1</sup> Legal action to seek relief from unlawful detention.

- End enforced disappearances, ascertain the fate and whereabouts of all victims of enforced disappearance and bring to justice those who were responsible for enforced disappearances.
- End the widespread practice of arbitrary detention and ensure that all detainees are lawfully held and do not suffer torture or other ill-treatment.

#### **4. With regard to political violence.**

- In order to prevent and end political violence, arrest, detain and prosecute suspected perpetrators and if found guilty in proceedings which meet international fair trial standards, punish them, without resorting to the death penalty or other cruel, inhuman or degrading punishments and in accordance with international human rights standards.
- Never resort to unnecessary, excessive or disproportionate force against such suspects and unarmed civilians.

**5. Uphold freedom of expression in general, and media freedom in particular.**

- Free and unfettered reporting are indispensable checks on human rights violations. Journalists must be able to perform their professional duties without fear of harassment or violence.

**6. End the practice of extrajudicial executions and in cases where such violations do occur, ensure that those responsible are held to account.**

- All cases of extrajudicial executions and other suspicious deaths must be promptly, independently and thoroughly investigated. Suspected perpetrators must be prosecuted in proceedings which meet international fair trial standards and victims' families compensated.

**7. Put in place a moratorium on executions with a view to eventually abolishing the death penalty.**

- Currently some 7,500 persons are under sentence of death, many of whom were convicted after unfair trials and remain in overcrowded death cells for many years. Every year several dozen people are executed. The law relating to murder, for which most death sentences are imposed, is inherently discriminatory against the destitute: it permits those who can pay compensation, to go free. There should be a moratorium on executions pending a review of the laws permitting the death penalty and Pakistan should consider joining a worldwide trend towards abolition of the death penalty.

**8. Effectively protect the rights of children.**

- The Juvenile Justice System Ordinance remains inadequately implemented and there continue to be reported cases of people who were children at the time of their alleged offence being executed. Violence against children remains uncurbed as all the organs of the state have failed to take adequate measures within their remit to prevent and punish such abuses.

**9. Protect the rights of women in law and practice.**

- The state has consistently failed in its duty to prevent, punish and redress violence against girls and women, including domestic violence and "honour" crimes and has in fact itself condoned, facilitated and even perpetrated violence against women. Legal provisions to bring perpetrators to justice remain poor and the Haddood laws, though amended in 2006, continue to criminalize consensual sexual conduct outside marriage and may lead to arbitrary detention and cruel, inhuman or degrading punishment. The recommendations of successive Women's Commissions to abolish the Haddood laws should be implemented and further measures taken to protect women against violence, intimidation and discrimination.

**10. Protect the rights of religious minorities.**

- In the absence of adequate state protection, members of religious minorities have been subjected to discrimination and violence, perpetrated with impunity. In addition, the ill-defined blasphemy laws have been abused to persecute members of minority groups but also Sunni Muslims. They should be abolished forthwith.

**11. Respect, protect and fulfil economic, social, and cultural rights.**

- Take concrete, targeted and effective measures, according to the maximum of available resources, including those available through international cooperation and assistance, to achieve progressively the full realisation of economic, social

and cultural rights. Violations of these rights remain widespread and Pakistan has been routinely criticised for its efforts to respect, protect and fulfil these rights.

**12. Ratify and implement international human rights treaties.**

- Although a member of the UN Human Rights Council, Pakistan has yet to ratify the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, social and Cultural Rights and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. These human rights treaties should be ratified without further delay to comprehensively protect all human rights and to give substance to the commitments made when Pakistan was elected to the Human Rights Council. Those international human rights treaties which Pakistan has ratified, including the UN Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child should be fully implemented.

Irene Khan  
Secretary General