

# Closing Civic Space in Pakistan

Elaine Alam

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## Introduction

A rights-based framework of civic space cultivates a comparative and contextual analysis. In reference to these considerations, civic space can be defined as ‘the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organised groups, are able to freely, effectively and without discrimination exercise their basic civil rights’.<sup>1</sup>

Freedom of association, assembly and expression are democratic in their vision and essence and are also indicators of a functional civic space. These rights are guaranteed by the Pakistani constitution. Article 16 of the 1973 constitution guarantees every citizen ‘the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order’.<sup>2</sup> Article 17 ensures every citizen ‘the right to form associations or unions’ but it’s not absolute in nature since it can be restricted in ‘the interest of sovereignty or integrity of Pakistan, public order or morality’. Similar conditions underlie the right to form or be a part of political parties. However, a caveat in the law elucidates that if the parties are objectionable, ‘the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final’; and that every political party shall ‘account for

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1 ‘Protecting civic space and the right to access resources’, UN Special Rapporteur, accessed July 14, 2020, <https://www.ohchr.org/Documents/Issues/FAssociation/GeneralPrinciplesProtectingCivicSpace.pdf>.

2 Republic of Pakistan, *The Constitution of the Islamic Republic of Pakistan* (Islamabad: The National Assembly of Pakistan, 2012), [http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf).

the source of its funds in accordance with law'.<sup>3</sup> Article 19 of the Constitution states that every citizen 'shall have the right to freedom of speech and expression, and there shall be freedom of the press', but it can be restricted 'in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence'.<sup>4</sup>

For the purpose of this research, secondary sources will be used to evaluate the extent to which the three aforementioned core principles of civic freedom have declined in Pakistan: freedom of association, freedom of assembly, and freedom of expression. These three tenets of open civic space have been chosen since they are the most politically charged in Pakistan. The state and army have been dangerously reactive when these three principles are exercised by Pakistani civilians. The legislative and normative practices to control these three aspects are some of the most alarming practices within the Pakistani state, including, but not limited to, enforced disappearances and charge of blasphemy. Their decline will be historically traced, with a focus on the status quo. The various minority groups in Pakistan will be analysed as a key stakeholder.

## **Methodology**

Primary and secondary data has been utilised in the course of this research. Besides an extensive review of literature, including independent reports and media articles on minorities, a survey was conducted online to gauge the perception of experts of civic space on the extent to which civil liberties have been violated in Pakistan. The survey was filled by 25 people aged between 20 and 80 years, 78 per cent of whom were female. A total of 72 per cent of the respondents were Muslim while 5.6 per cent were Christian, and 17 per cent of them did not adhere to any religion. Of the respondents, 72 per cent identified themselves as belonging to a religious minority, implying that that a majority of Muslim respondents belonged to minority sects. The findings of the survey

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

are interspersed in the report, while the complete findings can be found in the Annex at the end of the chapter.

## **Historical Context**

Pakistan's transition towards electoral democracy in 2008 after spending a significant period of its history under direct military rule was a landmark event in the country's political evolution. Since then, Pakistan has experienced three elections, in 2008, 2013 and 2018, and seen two stable transfers of power from one political party to another. However, the quality of democracy in Pakistan has deteriorated over the past few years. According to the International Institute for Democracy and Electoral Assistance, in 2018, Pakistan regressed into hybridity,<sup>5</sup> a term used for governments that combine democratic traits such as frequent and direct elections with autocratic ones such as political repression.<sup>6</sup> The 2019 Economist Intelligence Unit's Democracy Index also categorises Pakistan as a hybrid regime, with a ranking of 108 out of 167, and its score increased from 4.17 out of 10 in 2017 to 4.25 in 2019, implying that military interference in domestic affairs had increased.<sup>7</sup> Understandably, the country is a long way from becoming a full democracy, as indicated by its inability to cross a threshold of 4.64 in 2014.<sup>8</sup>

In particular, liberal democracy has failed to take root in Pakistan. According to the Freedom House, Pakistan scores only 22 out of a total of 60 for civil liberties in its 2020 Freedom in the World report.<sup>9</sup>

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5 International Institute for Democracy and Electoral Assistance, *The Global State of Democracy 2019* (Stockholm: International IDEA, 2019), 169, <https://www.idea.int/publications/catalogue/global-state-of-democracy-2019>.

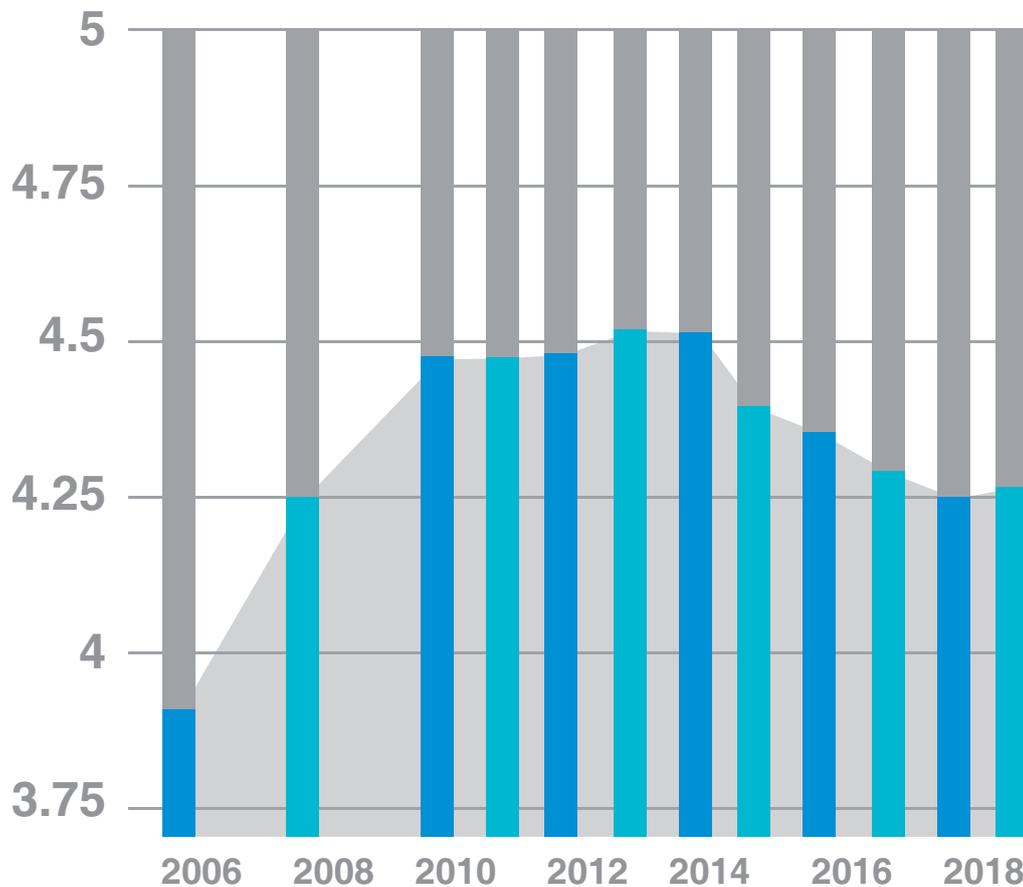
6 'Hybrid Regimes', Oxford Bibliographies, accessed August 31, 2020, <https://www.oxfordbibliographies.com/view/document/obo-9780199756223/obo-9780199756223-0167.xml>.

7 The News, 'Economist Intelligence Unit's Democracy Index: Democracy in PPP, PML-N Eras Better than in Present Govt', *The News*, January 23, 2020, <https://www.thenews.com.pk/print/602673-economist-intelligence-unit-s-democracy-index-democracy-in-ppp-pml-n-eras-better-than-in-present-govt>.

8 'Democracy Index 2019', *The Economist Intelligence Unit*, <https://www.eiu.com/topic/democracy-index>.

9 Liberal democracy refers to a system of government which ensures transparent elections and where the judicial system has a significant equalising leverage to ensure accountability of the elected representatives. See: 'Freedom

**Figure 1: Pakistan's Scores in the Economist Intelligence Unit's Democracy Index, 2006–2019**



Source: 'Democracy Index 2019', The Economist Intelligence Unit, <https://www.eiu.com/topic/democracy-index.com/topic/democracy-index>.

The V-Dem project<sup>10</sup> also shows a sharp decline for Pakistan along several indicators, including freedom of association and liberal democracy indices, while other indicators, such as repression of civil society organisations and freedom of religion, have seen only slight increases. Government censorship has decreased owing to the increasing relevance of social media, with a formal social media wing also being used even by the current government. However, even

in the World 2020: Pakistan', Freedom House, accessed May 25, 2020, <https://freedomhouse.org/country/pakistan/freedom-world/2020>.

10 Varieties of Democracy is a new approach to conceptualising and measuring democracy which reflects the complexity of the concept of democracy as a system of rule and distinguishes between five high-level principles of democracy: electoral, liberal, participatory, deliberative, and egalitarian, and collects data to measure these principles. See: 'Global Standards, Local Knowledge', Varieties of Democracy, accessed August 31, 2020, <https://www.v-dem.net/en>.

though that might have made it easier to report on discrimination, it has not translated into changes within the state-sanctioned legal and normative practices. The survey data also supports this.

In order to understand why political liberalism has had limited expression in Pakistan despite its democratic transition, it is critical to examine its political and institutional history. The early years of Pakistan's founding were pivotal in determining its subsequent political trajectory. At its inception, Pakistan faced several difficulties that put the very survival of the state at risk: an inflow of refugees from India, insufficient administrative staff, limited resources and the challenge of exerting control in areas where the ruling Muslim League's<sup>11</sup> presence was weak.<sup>12</sup> The Kashmir dispute, that began in 1947, and border issues on the Durand Line between Pakistan and neighbouring Afghanistan further endangered the existence of the newly founded state.<sup>13</sup> This complex social and political climate, with its extensive internal and external security challenges, compelled the political leadership to assert control over the country and steer policy. In particular, the threat from India encouraged the formation of a unified security state. As a result, the political leadership centralised power in the executive branch at the cost of dispersing power to the legislature, empowering political institutions and strengthening provincial governments.

Colonial heritage also played a significant role in facilitating centralisation of power. Pakistan inherited the 'vice regal model of government', a term coined to describe the colonial model of governance where the Viceroy and a centralised bureaucracy were responsible for running the affairs of the state.<sup>14</sup> The Government of India Act 1935 was adopted as the interim constitution with modifications according to the democratic and sovereign reality of

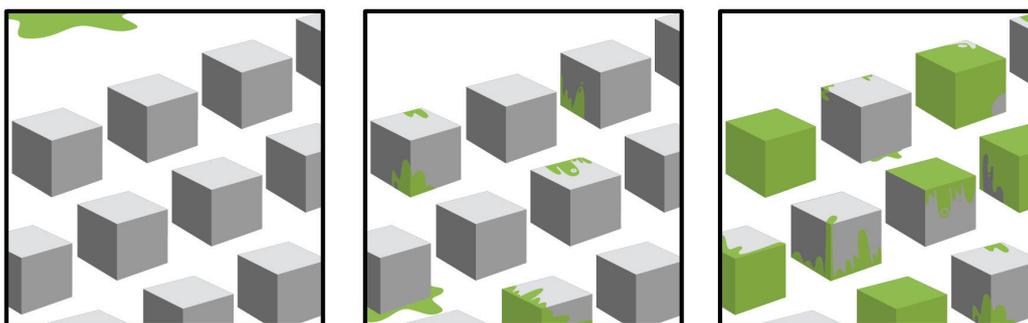
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11 The All-India Muslim League was a political party established in 1906 in British India. Its efforts for a separate homeland for the Muslims of India eventually led to the creation of Pakistan in 1947.

12 Hasan-Askari Rizvi, *Military, State and Society in Pakistan* (New York: St. Martin's Press, 2000), 57; Ayesha Jalal, *Democracy and Authoritarianism in South Asia* (Cambridge: Cambridge University Press, 1995), 49.

13 Hasan-Askari Rizvi, *Military, State and Society in Pakistan* (New York: St. Martin's Press, 2000), 59.

14 Kalim Bahadur, *Democracy in Pakistan: Crises and Conflicts* (New Delhi: Har-Anand, 1998), 34.



Pakistan.<sup>15</sup> Power was concentrated in the office of the Governor General, held by the founder of Pakistan, Muhammad Ali Jinnah, who headed ‘the executive, the cabinet and the assembly’.<sup>16</sup> The Governor General appointed the cabinet, headed the legislature, appointed judges, and had the power to dismiss ministers at his discretion.<sup>17</sup> The concentration of power led to the emergence and entrenchment of a political culture in which a single strongman provided direction and political leadership,<sup>18</sup> and thus stunted the growth of participatory governance.

Civilian governments in Pakistan also failed to institutionalise democratic principles and uphold civil liberties and the rule of law. After independence, constitutional and political crises ensued, and the political class failed to put together a viable constitution and prevent petty political disputes. The civilian government also sought to preserve its own narrow interests and establish control over politics. The Muslim League was a weak political party dominated by an elite class of politicians, and it struggled to generate mass support after the passing of Jinnah and Liaqat Ali Khan.<sup>19</sup> Fearing the numerical majority of Bengalis, who enjoyed a majority in East Pakistan, in parliament and limited outreach in the provinces, politicians in West Pakistan began courting the military and the bureaucracy to consolidate state control.<sup>20</sup>

<sup>15</sup> Aqil Shah, *The Army and Democracy* (Cambridge: Harvard University Press, 2014), 49.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Christophe Jaffrelot, *The Pakistan Paradox* (Oxford: Oxford University Press, 2015), 198.

<sup>19</sup> Hasan-Askari Rizvi, *Military, State and Society in Pakistan* (New York: St. Martin’s Press, 2000), 69.

<sup>20</sup> Ayesha Jalal, *Democracy and Authoritarianism in South Asia* (Cambridge:

Thus began a tradition in which the Pakistani political class, at times, supports the military in order to quell the opposition and gain power, allowing the military to exercise control over governance through indirect means. One example of this phenomenon was the collaboration between the military and the Islami Jamhoori Ittehad (IJI), a political alliance allegedly sponsored and organised by the military's intelligence agency, to remove Benazir Bhutto from power on account of her anti-military actions and softer approach towards India, and install the pro-military Nawaz Sharif in her place.<sup>21</sup> It is also alleged that the incumbent government of Imran Khan suffers from extensive military interference in public policy and government decision-making.<sup>22</sup>

Failure to develop modern political parties and institute a culture of participatory politics also impedes democratic development. A significant issue in Pakistan is the lack of political parties that have not been organised around patronage politics and feudal relationships.<sup>23</sup> Electoral politics revolve around gaining access to patronage for specific constituencies rather than campaigning on a broad-based platform of commitment to specific principles and policy measures.<sup>24</sup> Voting occurs more along the lines of personalised alliances with particular political figures and less along adherence to ideological principles and party manifestoes. Both the urban and rural political class focus more on 'working lineage and *biradari*<sup>25</sup> connections and alliances than representing wider urban interests'.

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Cambridge University Press, 1995), 50-51.

21 Hasan-Askari Rizvi, *Military, State and Society in Pakistan* (New York: St. Martin's Press, 2000), 209; Samina Yasmeen, 'Democracy in Pakistan: The Third Dismissal', *Asian Survey* 34, no.6 (1994): 574, <https://doi.org/10.2307/2645342>; Seyyed Vali Reza Nasr, 'Democracy and the Crisis of Governability in Pakistan', *Asian Survey* 32, no.6 (1992): 523, <http://www.jstor.org/stable/2645158>.

22 'Army Tightens Grip on Pakistan as Imran Khan's Popularity Wanes', *Bloomberg*, June 10, 2020, <https://www.bloomberg.com/news/articles/2020-06-09/army-tightens-grip-on-pakistan-as-imran-khan-s-popularity-wanes>.

23 Nasreen Akhtar, 'Polarized Politics: The Challenge of Democracy in Pakistan', ResearchGate, Last Modified January 1 2009, [https://www.researchgate.net/publication/259838678\\_POLARIZED\\_POLITICS\\_THE\\_CHALLENGE\\_OF\\_DEMOCRACY\\_IN\\_PAKISTAN](https://www.researchgate.net/publication/259838678_POLARIZED_POLITICS_THE_CHALLENGE_OF_DEMOCRACY_IN_PAKISTAN).

24 Ibid.

25 *Biradari* is commonly used to refer to relatives, friends and acquaintances. Cited in Christophe Jaffrelot, *The Pakistan Paradox* (Oxford: Oxford University Press, 2015), 296.

Weak civilian institutions, a divided political class and the empowerment of non-elected institutions led to encroachment by the military over the political system. Military intervention in politics adversely impacted the evolution of liberal democracy, as each military ruler restricted political activity in order to consolidate authority and eliminate resistance. Ayub Khan (1958-1962), Yahya Khan (1969-1971), and Zia ul Haq (1977-1987) either banned political parties completely or severely curbed their activities.<sup>26</sup> Military regimes also took steps to further concentrate power in the executive. Although civilian governments have also displayed authoritarian tendencies in the past, changes introduced by largely unaccountable dictators subverted the political evolution of Pakistan's federal state and obstructed the emergence of a political culture revolving around debate, compromise, and institutional balance.

One of the most divisive constitutional amendments, the 8th amendment, was introduced by Zia ul Haq in 1985, which shifted executive power to the office of the president, along with the right to dissolve the National Assembly. The amendment hung like Damocles' sword over democratic governments, and was used to dismiss multiple civilian governments in the 1990s until it was repealed in 1997. Several of his laws have not been reversed yet, such as the provisions in the Hudood Ordinance pertaining to rape, that demanded the presence of four witnesses for prosecuting the rapist.<sup>27</sup> The ban on student unions continues to severely impede students' civic liberties by prohibiting collective action based on legitimate political grievances. Over the decades, it has decreased the politicisation of students by removing avenues of mobilisation.<sup>28</sup>

According to Jaffrelot, the political system in Pakistan 'keeps oscillating between the suppression and (re)conquest of public

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<sup>26</sup> Hasan-Askari Rizvi, 'Democracy in Pakistan' in *Panorama: Insights into Asian and European Affairs*, edited by Wilhelm Hofmeister (Singapore: Konrad-Adenauer-Stiftung, 2011), 130.

<sup>27</sup> Aishah Abubakr, 'Rape: Fallacies of the four witness requirement', *The Express Tribune*, January 23, 2011, <https://tribune.com.pk/article/9484/rape-fallacies-of-the-four-witness-requirement#:~:text=According%20to%20the%20Hudood%20Ordinance,punishment%20of%20death%20by%20stoning>.

<sup>28</sup> Syed Muaz Shah, '1984: The murder of Pakistan's student unions', *Dawn*, Feb 9, 2015, <https://www.dawn.com/news/1162514>.



liberties’.<sup>29</sup> With the introduction of the 18<sup>th</sup> amendment (which saw further devolution of the centre’s control by increasing the power of federal governments<sup>30</sup>) and the end of prolonged military rule, Pakistan’s democracy appears to be headed in the right direction. However, the recurrence, as well as persistence, of democratic backsliding is not surprising if one considers the institutional and political history of Pakistan. As mentioned earlier, the inheritance of the colonial state apparatus set the stage for the empowerment of unelected institutions, and security threats from both inside and outside drove home the need for projecting control over the constituent units above all else. To this day, Pakistan’s incessant security fears, whether real or imagined, run counter to the wider project of encouraging the growth and maturation of liberal democracy.<sup>31</sup> The vexing dilemma at the heart of the democratic deficit in the country has been summarised aptly thus: ‘Pakistan’s existence has been marked by attempts to build a nation without first building the institutional foundations that are needed to allow a stable federal entity to evolve in a democratic and pluralistic setting.’<sup>32</sup>

Moreover, cycles of military and civilian rule generated political

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29 Christophe Jaffrelot, *The Pakistan Paradox* (Oxford: Oxford University Press, 2015), 199.

30 Miftah Ismail, ‘The importance of the 18th Amendment’, *The News International*, January 23, 2019, <https://www.thenews.com.pk/print/422279-the-importance-of-the-18th-amendment>.

31 *Ibid.*, 197.

32 Shuja Nawaz, ‘Army and Politics’ in *Pakistan: Beyond the Crisis State*, edited by Maleeha Lodhi (Oxford: Oxford University Press, 2011), 82.

instability inimical to the effective functioning of political processes. Political dysfunction at the core of Pakistani democracy thus prevents liberal democracy from taking root and manifests itself, in both covert and overt ways, in the supremacy of the military over civilian institutions. Elections alone do not indicate the existence of viable political processes and institutions given that they have also been organised under military rulers. Therefore, Pakistan, despite holding elections and undergoing democratic transitions, sees its democratic development repeatedly undercut as the underlying malaise infecting the political setup is never cured.

## **The Politics of Religion: Implications for Minority Rights**

### **Historical Context**

A perceptible shift in social attitudes occurred after the country's independence. According to the 1951 census, non-Muslims comprised 14.2 per cent of Pakistan's total population, with non-Muslims making up 23.2 per cent of the in East Pakistani population.<sup>33</sup> While the prior struggle had revolved around attaining a homeland for Muslims, social and religious sentiment after independence turned towards defining who could be a legitimate citizen of the Muslim homeland. Beginning in the early 1950s, the anti-Ahmadiya<sup>34</sup> movement led to unrest and civil conflict across the country. The movement aimed to restrict public and civic space for the Ahmadiya sect through promulgation of laws and limiting their presence in governing circles.<sup>35</sup> Rulers used sentiments

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33 Mukesh Rawat, 'No, Pakistan's non-Muslim population didn't decline from 23% to 3.7% as BJP claims', *India Today*, December 12, 2019, <https://www.indiatoday.in/india/story/pakistan-bangladesh-non-muslim-population-citizenship-amendment-bill-bjp-1627678-2019-12-12>.

34 The Ahmadiya sect, forming around 2 to 5 million of Pakistan's population, primarily disagrees with other Muslim sects on the issue of Muhammad being the Last Prophet. See: 'Pakistan: The situation of Ahmadis, including legal status and political, education and employment rights; societal attitudes toward Ahmadis (2006–Nov. 2008)', Canada: Immigration and Refugee Board of Canada, accessed August 31, 2020, <https://www.refworld.org/docid/49913b5f2c.html>.

35 Farahnaz Ispahani, 'Constitutional Issues and the Treatment of Pakistan's Religious Minorities.' *Asian Affairs* 49, no. 2 (2018): 224, <https://doi.org/10.1080/03068374.2018.1468544>.

against religious minorities to introduce discriminatory legislation and quell violent unrest over measures perceived by religious hardliners as compromising the Islamic integrity of the state. From Ayub's Principles of Policy to Bhutto's Islamic Socialism to Zia's Islamisation, Islam was used by past regimes, both civilian and military, as a political instrument to gain legitimacy and consolidate power.<sup>36</sup>

Nowhere was this discrimination more apparent than in various constitutional documents. The Objectives Resolution, according primacy to religious principles in constitutional development, was made the preamble to the 1956 constitution. The constitution also declared Pakistan an Islamic Republic, limited the offices of both the President and the Prime Minister to Muslims, and ordered laws to be crafted in conformity with Islamic injunctions.<sup>37</sup> The 1962 constitution also contained exclusionary provisions. It restricted the office of the president to Muslims, declared that no law repugnant to Islam can be enacted, formed a Council of Islamic Ideology to ensure that all laws were aligned with Islamic teachings, and regulated both the economic and social lives of citizens.<sup>38</sup> Similarly, the 1973 constitution retained Islamic provisions that undermined certain progressive clauses included in the constitution for the protection of religious minorities. It made Islam the official religion, restricted the office of President and Prime Minister to Muslims, and contained clauses that called for bringing all laws into conformity with Islam.<sup>39</sup>

Other laws introduced later further violated the fundamental

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<sup>36</sup> Rubina Saigol, *Radicalization of State and Society in Pakistan* (Islamabad: Heinrich Boell Stiftung, 2011), 7-11, <https://pk.boell.org/2011/01/20/radicalization-state-and-society-pakistan-internal-security>.

<sup>37</sup> Farahnaz Ispahani, 'Constitutional Issues and the Treatment of Pakistan's Religious Minorities.' *Asian Affairs* 49, no. 2 (2018): 225; Rubina Saigol, *Radicalization of State and Society in Pakistan* (Islamabad: Heinrich Boell Stiftung, 2011), 7-11, <https://pk.boell.org/2011/01/20/radicalization-state-and-society-pakistan-internal-security>.

<sup>38</sup> Ibid.

<sup>39</sup> Shikha Dilawri, Ahmad Salim, Humera Ishfaq and Mome Saleem, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan* (London: Minority Rights Group International, 2014), 10, <https://minorityrights.org/wp-content/uploads/old-site-downloads/mrg-searching-for-security-pakistan-report.pdf>.

rights of religious minorities. The most egregious included the pas-sage of the second amendment, declaring members of the Ahmadiya sect as non-Muslims in response to the pressure exerted by religious parties.<sup>40</sup> The amendment defined a Muslim as someone who believes in the finality of Muhammad as a prophet, a core Muslim belief that persons belonging to the Ahmadiya sect do not follow.<sup>41</sup> Another piece of legislation with dire implications for minority rights was the constitutional amendment made under Section 295 as 295 (C) known as the Blasphemy Laws. Introduced by the military dictator, General Zia, in 1984, the Blasphemy Laws are a set of clauses, contained in the Pakistan Penal Code (1860), ostensibly designed to promote the protection of all religions in Pakistan. In reality, the law explicitly discriminates against Ahmadiyas, criminalising public expression of Ahmadiya beliefs and prohibiting Ahmadiyas from calling themselves Muslims, praying in Muslim sites of worship, and ‘propagat[ing] [their] faith’.<sup>42</sup> Ahmadiyas are victimised and criminalised for calling themselves ‘Muslims’ and are constitutionally forced to be termed, called and believed as ‘non-Muslims’ and hence minorities.

The Blasphemy Laws severely restrict critical discourse and inter-faith dialogue needed for initiating policy change, encouraging religious harmony, and fostering a culture of inclusivity by profiling religious minorities who are regularly charged under dubious claims of blasphemy. The Centre for Social Justice notes that ever since Pakistan’s conception, more than 1500 people have been targeted under the blasphemy laws with a majority belonging to religious minority groups.<sup>43</sup> Therefore, despite granting citizens the constitutional rights to freedom of assembly (Article 16),

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40 Ibid.

41 Farahnaz Ispahani, ‘Constitutional Issues and the Treatment of Pakistan’s Religious Minorities.’ *Asian Affairs* 49, no. 2 (2018):227.

42 Shikha Dilawri, Ahmad Salim, Humera Ishfaq and Mome Saleem, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan* (London: Minority Rights Group International, 2014), 10, <https://minorityrights.org/wp-content/uploads/old-site-downloads/mrg-searching-for-security-pakistan-report.pdf>.

43 Salman Masood, ‘Hindu Veterinarian Is Latest to Face Blasphemy Charges in Pakistan’, *New York Times*, May 30, 2019, <https://www.nytimes.com/2019/05/30/world/asia/pakistan-blasphemy-law.html>.

freedom of speech (Article 19), and the freedom to ‘profess, practice and propagate’ one’s religion (Article 20),<sup>44</sup> Pakistan has repeatedly failed at implementing them. Minorities are silent witnesses to violations of their constitutional rights. The blasphemy laws are used to persecute religious minorities over trivial issues and false claims. Several cases illustrate the continuation of this trend over the past year as a Hindu veterinarian was taken into custody after a local cleric accused him of blasphemy;<sup>45</sup> a Christian teenager was arrested on blasphemy charges over a cricket match;<sup>46</sup> and a mentally ill Christian man was beaten over allegations of committing blasphemy and then detained by the police.<sup>47</sup>

### **The Ahmadiya Community**

Freedom of association cannot exist without ‘the ability to seek, receive and use resources’<sup>48</sup> privy to that public space. This freedom can also refer to the right of minorities to publicly own their faith, build and participate in their respective places of worship and collectivise to demand more rights.

The state-sanctioned denial of civic rights to the Ahmadiya community is not only normative, but also legalised. The electoral law forces them to choose between their faith and their right to vote: to be eligible to practise their democratic right in choosing electoral representatives, they have to undergo the humiliation of publicly declaring themselves to be non-Muslims.<sup>49</sup> As a communi-

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44 Republic of Pakistan, *The Constitution of the Islamic Republic of Pakistan* (Islamabad: The National Assembly of Pakistan, 2012), [http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf).

45 ‘Policy Update: Pakistan Blasphemy Law’, United States Commission on International Religious Freedom, accessed May 24, 2020, <https://www.uscirf.gov/sites/default/files/2019%20Pakistan%20Blasphemy.pdf>.

46 Salman Masood, ‘Hindu Veterinarian Is Latest to Face Blasphemy Charges in Pakistan’, *New York Times*, May 30, 2019, <https://www.nytimes.com/2019/05/30/world/asia/pakistan-blasphemy-law.html>.

47 ‘Mentally Disabled Christian Accused of Blasphemy in Pakistan’, *Persecution*, accessed May 25, 2020, <https://www.persecution.org/2019/03/13/mentally-disabled-christian-accused-blasphemy-pakistan/>.

48 Protecting civic space and the right to access resources’, UN Special Rapporteur, accessed on July 14, 2020, <https://www.ohchr.org/Documents/Issues/FAssociation/GeneralPrinciplesProtectingCivicSpace.pdf>.

49 Human Rights Watch, ‘Pakistan: Ahmadis Kept Off Minorities Commission’, *Human Rights Watch*, July 14, 2020, <https://www.hrw.org/news/2020/05/08/>

ty, they cannot associate with their country without denying their religious identity. On May 5, 2020, Pakistan's cabinet established the National Commission for Minorities (NCM) and announced that Ahmadiya representatives will not be a part of it, arguing that they did not 'fall in the definition of minorities'.<sup>50</sup> Factually inaccurate, this decision was not opposed by any cabinet member. The Ahmadiya community, therefore, is even excluded from becoming a part of any potential body of reparation towards the discrimination they have to face on a daily basis.

Any collective freedom of religious expression is curbed by the state, prohibiting Ahmadiyas from constructing mosques, or to refer to their places of worship as mosques. Their mosques have regularly come under attack. In 2010, two Ahmadiya mosques in Lahore were simultaneously attacked in an organised attempt by militant Sunni groups, who gunned down over 80 Ahmadiyas in an act of entitled terror.<sup>51</sup> In November 2015, a mob broke through a police cordon established to protect an Ahmadiya place of worship after escalating religious tensions in Jhelum and set it on fire.<sup>52</sup> In October 2019, the assistant commissioner of Hasilpur, along with workers of Baldia town, attacked the 70-year-old Ahmadiya place of worship in Bahawalpur, and destroyed parts of the building. The police and government officials spearheading this attack have not been held accountable.<sup>53</sup>

According to the Annual Security Report 2019 by the Centre for Research and Security Studies, in 2019 alone 28 Shias and two Ahmadiyas were killed in targeted attacks due to their faith.<sup>54</sup> Another 57 Shias and one Christian were injured that year. The current research showed that there have been at least five attacks on Ahmadiya places of worship since August 2018, two on Hindu temples, and one on a Christian church. There have also been 13

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[pakistan-ahmadis-kept-minorities-commission.](#)

<sup>50</sup> Ibid.

<sup>51</sup> *Minorities under attack: Faith-based discrimination and violence in Pakistan*, RefWorld, accessed May 25, 2020, <https://www.refworld.org/pdfid/57fb91e54.pdf>.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Centre for Research and Security Studies, 'Annual Security Report—2019', *Centre for Research and Security Studies*, December 30, 2019, <https://crss.pk/story/31-reduction-in-terrorism-in-2019-improving-security-situation-reports-crss>.

blasphemy cases filed against Ahmadiyas, nine against Christians, two against Hindus, and one against a Shia in the same time period.<sup>55</sup> The fear for their lives acts as an active hindrance in the minorities' ownership of any civic outlet; the growing intolerance and normalisation of discrimination towards them is coupled by the state's complicity in the status quo. When Prime Minister Imran Khan appointed Atif Mian, a graduate of Princeton University who also happens to be an Ahmadiya, to his advisory economic council in September 2018, he had to eventually succumb to pressure and remove him from his post. Two members of the advisory council had resigned in protest of the appointment.<sup>56</sup>

### **The Christian Community**

Courting extremist groups has institutionalised a culture of intolerance and strengthened illiberal democracy in Pakistan. Public protest is not an outlet available to religious minorities, as most fear violence and retaliation by extremists. Religious parties often dictate policy by forcing the government to overturn progressive decisions. The lack of justice for religiously motivated crimes against minorities creates a culture in which civic participation is dangerous to their lives. For instance, Asia Bibi, a Christian farm labourer, was convicted of blasphemy in June 2009 in what became Pakistan's most notorious blasphemy case.<sup>57</sup> She spent nine years on death row, before being acquitted in October 2018, but the fundamentalist controversy created by her arrest is indicative of Pakistani behaviour and attitudes towards the Christian community. Even members of dominant religious groups have been killed when found to have supported minorities. Salman Taseer's murder is a representative example, where despite the privilege of being the Governor of Punjab, supporting Asia Bibi's acquittal in 2011 resulted in him being killed by his

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<sup>55</sup> Ibid.

<sup>56</sup> Fahad Chaudhry, 'Under Pressure Govt Backtracks on Atif Mian's Appointment; Removes Economist from Advisory Council', *Dawn*, September 8, 2018, <https://www.dawn.com/news/1431495>.

<sup>57</sup> Shumaila Jaffery, 'Asia Bibi: Pakistan's Notorious Case', *BBC*, February 01, 2019, [https://www.bbc.co.uk/news/resources/idt-sh/Asia\\_Bibi](https://www.bbc.co.uk/news/resources/idt-sh/Asia_Bibi).

own bodyguard.<sup>58</sup> Government efforts to placate enraged mobs further encourage hardliners who realise that they can operate with impunity.<sup>59</sup> After Asia Bibi's acquittal by the Supreme Court in 2018, the Tehreek-e-Labbaik (TLP) party held violent protests to demand her death. The government showed signs of yielding to the protestors, although it later responded with a crackdown.<sup>60</sup> Despite the outrage, the court upheld its decision,<sup>61</sup> which was a small victory for human rights in the country. Such glaringly few positive precedents have not successfully abated the culture of fear amongst minorities, which integrally shapes their relationship with each other as a community, and with all public and semi-public spaces.

The right to associate, assemble and express is also hindered by the clampdown on churches. Christians cannot effectively gather and pray because of the increasing opposition to the existence of churches in non-metropolitan areas. One such case is the closing down of a church constructed in a village in Toba Tek Singh district in 2016.<sup>62</sup> According to the Human Rights Commission of Pakistan's (HRCP) fact-finding mission, several local Muslims filed a suit against the church, and despite pressure from prominent local Christian leaders, the authorities asked for the church premises to be sealed. The Muslim communities' assurances to reallocate the church never materialised. The situation carried on for years and had even escalated to warning shots fired in the air by the different communities.<sup>63</sup>

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<sup>58</sup> 'Explaining the Salman Taseer Murder', Council on Foreign Relations, accessed August 31, 2020, <https://www.cfr.org/expert-brief/explaining-salman-taseer-murder>.

<sup>59</sup> Ibid.

<sup>60</sup> Sher Ali Khalti, 'Over 1,000 Held During Crackdown on TLP', *The News*, November 25, 2018, <https://www.thenews.com.pk/print/397828-over-1-000-held-during-crackdown-on-ttp>.

<sup>61</sup> Harriet Sherwood, 'Asia Bibi: Pakistan's Top Court Upholds Blasphemy Acquittal', *The Guardian*, January 29, 2019, <https://www.theguardian.com/world/2019/jan/29/asia-bibi-pakistans-top-court-upholds-blasphemy-acquittal>.

<sup>62</sup> "Access Denied": Why are Minorities' Sites of Worship Being Closed? Human Rights Commission of Pakistan, accessed August 31, 2020. <http://hrcp-web.org/hrcpweb/access-denied-why-are-minorities-sites-of-worship-being-closed>.

<sup>63</sup> Ibid.

While talking with individuals from the Shanti Nagar Church in Multan, the HRCP's fact-finding mission discovered that various Christian students were under undue verbal duress from Muslim students or instructors to give up their religion. A Christian student, Safia Williams, narrated a personal account where, during her college years in Khanewal in 2012, her peers would lecture her to convert to Islam to become more 'righteous'.<sup>64</sup> Safia expressed being existentially confused about whether her entry to heaven is premised on accepting Islam.<sup>65</sup> Hence, morality has been weaponised to hinder minorities' association with their religion in shared spaces, transforming their relationship with their identity to an uncomfortable territory which actively prohibits freedom of expression.

The HRCP's fact-finding mission in 2019 also investigated forced conversions in districts populated by minorities. In Bahawalpur, there were 12 instances of forced marriages premised on forced conversions. An individual from the neighbourhood told the mission that in Chak 104-D village, in December 2018, Emanuel Masih's 13-year-old daughter had to wed into a Muslim family and was converted to Islam.<sup>66</sup> The episode was brought to the notification of the Federal Minister for Human Rights, Shireen Mazari, but no action was taken. Such reaching out to prominent individuals within the government is usually unsuccessful since there is no external pressure ensuring accountability. In another family in Chak 104-D, four sisters were forced into marriage with young Muslim men and attempts to intervene were not successful since the Christian community did not have enough social capital to organise any protest.<sup>67</sup> Social media storms by activists and progressive individuals are not created in every case. Even when there is considerable dissent on alternative media, the normalisation of forced conversions is one of the reasons why the pressure does not usually translate into satisfactory or mediatory action. There had also been an instance of a female Muslim marrying a Christian

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64 Ibid.

65 Ibid.

66 Ibid.

67 Ibid.

male and the boy being pressured to convert, proving that this discrimination goes beyond entrenched misogynistic patterns.<sup>68</sup> Tragically, the boy was later killed. No justice has yet been dispensed. Therefore, the Christian community doesn't have viable outlets to collectivise and their right to assembly is cordoned off.<sup>69</sup>

### **The Shia Community**

Like the Ahmadiyas, the minority sect of Shia Muslims also remains targets of religious extremism in Pakistan.<sup>70</sup> With Saudi influence and increased funding to fundamentalist seminaries, the rise in sectarianism in the country was propelled in the 1980s with the formation of Sunni militant organisations, like the Lashkar-i-Jhangvi and the Ahl-e-Sunnat Wal Jama'at (ASWJ), with an increasing emphasis on jihad and therefore an increase in translating the prejudice into aggressive and collective discriminatory practices. Moreover, the Islamisation policies followed by Zia ul Haq empowered Sunni religious parties such as the Jamiat-ul-Islam (JUI) that wanted to enforce their interpretation of Islam and influence state policy.<sup>71</sup> These religious parties have also been courted by later governments, out of political convenience. The combination of these factors has led to a campaign of systematic violence against the Shia community that has seen its sites of worship and congregations attacked through bombings by militants.<sup>72</sup>

International human rights observers have noted that the Shia Hazara community of Pakistan has faced the worst violence at the hands of militants, and a 2018 report by the National Commission

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68 Ibid.

69 Ibid.

70 Farahnaz Ispahani, 'Constitutional Issues and the Treatment of Pakistan's Religious Minorities.' *Asian Affairs* 49, no. 2 (2018): 224, <https://doi.org/10.1080/03068374.2018.1468544>.

71 Suba Chandran, *Sectarian Violence in Pakistan* (Institute of Peace and Conflict Studies: New Delhi, 2003), 2, <https://www.jstor.org/stable/resrep09180>.

72 Shikha Dilawri, Ahmad Salim, Humera Ishfaq and Mome Saleem, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan* (London: Minority Rights Group International, 2014), 8, <https://minorityrights.org/wp-content/uploads/old-site-downloads/mrg-searching-for-security-pakistan-report.pdf>.

for Human Rights Pakistan noted that more than 2,000 Hazaras have been killed in the past 14 years in Pakistan.<sup>73</sup> In April 2019, at least 24 Shia Hazaras were killed in a suicide attack in a vegetable market in Quetta. According to one report, at least 509 Shia Hazaras have been killed since 2012.<sup>74</sup> In July 2014, a group of around 300 Shia Hazara pilgrims were attacked by gunmen while travelling through the Balochistan province on their way to Iran for pilgrimage, of them 26 were killed.<sup>75</sup>

### **The Hindu Community**

Violence is also perpetuated against vulnerable members of the Hindu community. Hindu girls in Sindh, often underage, are abducted by Muslim men, coerced to convert to Islam, and marry their abductors.<sup>76</sup> In the process, they face both physical and psychological violence and are forced to cut ties with their families.<sup>77</sup> Most of these girls belong to families of bonded labourers working for landlords on agricultural land.<sup>78</sup> Although marriage under the age of 18 is prohibited by law in Sindh, abductors either use Sharia law to sanctify the marriage and bypass provincial minimum age requirements or have the marriage take place in Punjab where the minimum age of marriage is lower. A bill seeking to criminalise forced conversions of minors did not get approval in the Sindh legislature due to outrage from the religious parties.<sup>79</sup>

Hindu girls who have been forced into such marriages rarely get justice and the perpetrators of the crime go unpunished due

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<sup>73</sup> National Commission for Human Rights Pakistan, *Understanding the Agonies of Ethnic Hazaras* (Islamabad: National Commission for Human Rights, 2018), 5.

<sup>74</sup> Human Rights Watch, 'We are the Walking Dead', *Human Rights Watch*, June 16, 2015, <https://www.hrw.org/report/2014/06/29/we-are-walking-dead/killings-shia-hazara-balochistan-pakistan>.

<sup>75</sup> BBC, 'Pakistani Shia Pilgrims Killed in Gun Attack on Bus', *BBC*, September 20, 2011. <https://www.bbc.com/news/world-south-asia-14992220>.

<sup>76</sup> Reuben Ackerman, *Forced Conversions & Forced Marriages In Sindh, Pakistan* (Birmingham: CIFoRB, 2018).

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> KK Shahid, 'Forced conversions continue unabated in Sindh', *Pakistan Today*, December 19, 2019, <https://www.pakistantoday.com.pk/2019/12/19/forced-conversions-continue-unabated-in-sindh>.

to strong political influence of religious lobbyists and networks whose leaders are also members of parliament and include influential clerics.<sup>80</sup> A bill was presented as a private member's bill by an opposition party member seeking to raise the minimum age of marriage to 18 years in Punjab, but it never moved for discussion and deliberation in the parliament.<sup>81</sup>

The 2020 fact-finding mission also found that a Hindu temple near the Government Sandeman High School for Boys in Quetta being re-built into a science laboratory without consent from the local Hindu community. The temple has been shut for a long time and the local Hindu community had been banned from using the temple for any religious or non-religious purpose. The Hindu community was too scared to even anonymously report details to the HRCP mission, fearing backlash.<sup>82</sup> The HRCP also visited the Government Primary School in Zhob, which had also been built on the site of a Hindu temple during the 1980s.<sup>83</sup> The Hindu community had been barred from visiting the site since and the number of Hindu inhabitants in Zhob has been gradually decreasing over the years, with relatively few Hindu families left in the region.<sup>84</sup> There was no significant opposition from the neighbourhood Hindu network when the temple was changed into a school as a result of this historical and dialectical suppression of their civic freedoms. Hence, it becomes clear that the Hindu community was forced to migrate and displace themselves for protection, and into cutting off any association with their land in order to secure an average lifestyle for themselves and their families. The choices that minority faiths have to make further marginalise any possibility of attaining any civic liberty.<sup>85</sup> Local representatives of the areas agreed to talk to the HRCP team only on the condition of

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80 Reuben Ackerman, *Forced Conversions & Forced Marriages In Sindh, Pakistan* (Birmingham: CIFO RB, 2018).

81 Amir Wasim, 'Bill against Child Marriage Divides Parties in NA', *Dawn*, May 3, 2019, <https://www.dawn.com/news/1479444>.

82 "Access Denied": Why are Minorities' Sites of Worship Being Closed?' Human Rights Commission of Pakistan, accessed August 31, 2020, <http://hrcp-web.org/hrcpweb/access-denied-why-are-minorities-sites-of-worship-being-closed>.

83 Ibid.

84 Ibid.

85 Ibid.

anonymity, implying the extent to which participation in external efforts to record and validate the oppression is also restricted. The representatives elaborated on how these conditions mirrored the treatment of Hindu minorities in the rest of Balochistan.<sup>86</sup>

A considerable section of the Hindu community inside Sindh are the so-called untouchables, or Dalits.<sup>87</sup> This group makes up a significant portion of bonded labour in Sindh, where there is a lot of reliance on the strenuous and exhausting work of bonded labour in growing cash crops such as sugar cane. The landowners ensure that the bonded workers stay ignorant and unfit in any capacity to challenge the institutionalised abuse and unfair practices.<sup>88</sup> The National Assembly of Pakistan prohibited bonded labour through the Bonded Labour Abolition Act 1992. But these practices go unchecked in numerous areas of Sindh and authorities remain hesitant to intervene since they cannot afford retributive action by the powerful ruling families.<sup>89</sup> Hindus who do manage to escape bonded labour still cannot access communal support. Existing prejudice, informal apartheid and discrimination guarantee that their professional possibilities are restricted to jobs as sweepers.<sup>90</sup>

Recent reports also illustrate an increase in harassment of Hindu women, as seen by the case of the rape of six-year-old Vijanti Meghwar on 4 December 2012 in Ghulam Nabi Shah town, in the Sindh region of Pakistan.<sup>91</sup> In a study directed by Chander Kumar Kohli, the Vice President of the Pakistan Hindu Seva from 2011 to 2012, Dalits are hesitant to let their young girls attend primary school since they are at risk of abduction and subsequent forced religious conversion.<sup>92</sup> Therefore, women within minority groups

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86 Ibid.

87 Ibid.

88 Ibid.

89 Ibid.

90 'Hindus', World Directory of Minorities and Indigenous Peoples, accessed July 15, 2020, <https://minorityrights.org/minorities/hindus-2>.

91 'Persecution and Discrimination of Hindus in Pakistan', Freedom of Religion or Belief, accessed July 15, 2020, <https://appgfreedomofreligionorbelief.org/media/Pakistan-Hindu-brief.pdf>.

92 The Express Tribune, 'Why Pakistani Hindus leave their homes for India', *The Express Tribune*, October 29, 2015, <https://tribune.com.pk/story/981257/why-pakistani-muslims-fled-pakistan-for-india>.

are additionally marginalised since the intersectional nature of their oppression further prevents them from interacting with the society. Member of Parliament Haresh Chopra said these episodes were increasing, and that there are organised factions of *mullahs*<sup>93</sup> (who mobilise locals to participate and support this abuse) and terrorists who kidnap minor young women of minority faiths and fake their age certificates with Muslim names from madrassas.<sup>94</sup>

### **The Politics of Security: Implications for Human Rights Activism**

The decline of civil liberties in Pakistan cannot be studied without examining the role of the military. A hostile geopolitical environment, a legacy of institutional imbalance, and repeated attempts to consolidate their authoritarian influence over the masses have contributed to military interference in national politics. Political parties are forced to seek military approval as a means of gaining power and then maintaining it. The discernible obstruction of civic space before the 2018 election, including removal of the central opposition figure and extensive media censorship over election coverage, give observers enough reason to suspect a close relationship between Prime Minister Imran Khan and the army.<sup>95</sup> Many speculate that the military rules indirectly through Khan, who lacks any real political power of his own despite contesting and winning the 2018 national election on a populist platform.

### **Civil Society Organisations**

With the military overlooking governance, politics and policy, especially national security and foreign affairs, there is constant surveillance of civil society. Perceiving CSOs as threats to stability and security, the establishment obstructs their activities in the

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<sup>93</sup> *Mullahs* refers to local religious leaders, learned in Islamic theology and shariah law.

<sup>94</sup> 'Persecution and Discrimination of Hindus in Pakistan', Freedom of Religion or Belief, accessed July 15, 2020, <https://appgfreedomofreligionorbelief.org/media/Pakistan-Hindu-brief.pdf>.

<sup>95</sup> Madiha Azfal, *An Inflection Point for Pakistan's Democracy* (Washington, DC: The Brookings Institution, 2019).

name of ‘national interest’. NGOs and INGOs are subject to extensive regulation involving multiple, lengthy procedures of registration, security clearance, and approvals for funding.<sup>96</sup> The entire process is characterised by an absence of transparency and limited civilian oversight, resulting in arbitrary rejections of NGO applications. Just last year, the Economic Affairs Division (EAD) rejected 42 such requests for registration.<sup>97</sup> The EAD is a new wing assigned the responsibility to register and give clearance to NGOs and INGOs to operate in the country even though all NGOs were previously registered with the mandated authorities under the Societies Act 1860 such as the Pakistan Centre for Philanthropy (PCP) or the Securities Exchange Commission of Pakistan (SECP). The new registration directs several arms of the state to investigate and scrutinise the personal details of individuals and staff members engaged in an NGO and those who run it as well as all operational and financial details.<sup>98</sup> The jurisdictions drawn by the EAD, through an updated set of additional regulations, requires organisations to sign memoranda of understanding as permission to implement particular projects or programmes. The regulations either include certain no-go areas of the country such as the Balochistan province. Regardless, there are serious inconsistencies within the regulations and some organisations are registered despite the mentioned jurisdictions.

### **Activism**

Aurat March 2020, an annual women empowerment rally on 8 March, came under attack in Islamabad as men who reportedly belonged to the Jamiat Ulema-e Islam—Fazl (JUI-F) and Lal Masjid hit the marchers with sticks and stones. Some of the marchers pointed out that the state did not provide the required protection

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<sup>96</sup> Nadia Naviwala, ‘Pakistan uses regulations to tighten grip on INGOs’, *Devex*, October 18, 2017, <https://www.devex.com/news/pakistan-uses-regulations-to-tighten-grip-on-ingos-91003>.

<sup>97</sup> Dawn, ‘Civil society condemns state clampdown on NGOs’, *Dawn*, February 17, 2019, <https://www.dawn.com/news/1464273>.

<sup>98</sup> ‘EAD has nothing to do with registration of NGOs’, *Profit of Pakistan Today*, March 1, 2019, <https://profit.pakistantoday.com.pk/2019/03/01/ead-has-nothing-to-do-with-registration-of-ngos/>.

or take urgent action during the attacks, implying its collusion with the patriarchal mindset enabling this attack.<sup>99</sup>

The notorious sedition law, Section 124A of the Pakistan Penal Code, is frequently deployed to arrest and incarcerate those demanding social and political reforms. In December 2019, the police registered sedition cases against the participants and organisers of the Students Solidarity March, a peaceful assembly of students across 50 cities in Pakistan.<sup>100</sup> A similar charge was brought in February 2019 against the Progressive Youth Alliance leader, Rawal Asad.<sup>101</sup> The Pashtun Tahafuz Movement, a nonviolent organic social movement for Pashtun human rights, has been demanding an end to enforced disappearances and militarisation of Khyber Pakhtunkhwa and Balochistan.<sup>102</sup> Ever since their rise to prominence in 2018, the members of this movement have been under constant surveillance by the military, their protests have been attacked, and several members kidnapped by the intelligence unit.<sup>103</sup> In January 2020, the police arrested the leader of the pro-reform Pashtun Tahafuz Movement (PTM), Manzoor Pashteen, on sedition charges.<sup>104</sup> Several activists of the left-leaning Awami Workers Party (AWP) were also arrested under sedition charges for protesting against Pashteen's arrest.<sup>105</sup>

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99 Pakistan Today, 'Aurat March Attacked with Bricks, Sticks in Islamabad', *Pakistan Today*, March 9, 2020, <https://www.pakistantoday.com.pk/2020/03/08/religious-party-attacks-aurat-march-in-capital-several-injured>.

100 Imran Gabol, 'Sedition Cases Registered Against Organisers and Participants of Student March', *Dawn*, December 2, 2019, <https://www.dawn.com/news/1519976>.

101 Ibid.

102 Ali Wazir, 'What Does the Pashtun Tahafuz Movement Want?', *The Diplomat*, April 27, 2018, <https://thediplomat.com/2018/04/what-does-the-pashtun-tahafuz-movement-want/>.

103 Madiha Afzal, 'Why Is Pakistan's Military Repressing a Huge, Nonviolent Pashtun Protest Movement?' *Brookings*, February 7, 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/02/07/why-is-pakistans-military-repressing-a-huge-nonviolent-pashtun-protest-movement/>.

104 Ellis-Petersen, Hannah and Shah Meer Baloch, 'Civil Rights Activist Arrested in Pakistan on Sedition Charges', *The Guardian*, January 27, 2020, <https://www.theguardian.com/world/2020/jan/27/civil-rights-activist-manzoor-ahmad-pashteen-arrested-in-pakistan-on-sedition-charges>.

105 Ammar Ali Jan, 'It is Time for India and Pakistan to Repeal Their Sedition Laws', *Al Jazeera*, February 20, 2020, <https://www.aljazeera.com/indepth/opinion/time-india-pakistan-repeal-sedition-laws-200220084422316.html>.

Baloch rights activists are not exempt from the notorious illegal framework, systematic blatant use of undue force and breach of the authorised dominion of the state. Various human rights organisations have reported forced disappearances and killings of Baloch persons by Pakistani security forces under the state policy known as 'kill and dump'.<sup>106</sup> Rape, harassment and extra-judicial killings remain mostly unreported. According to the Human Rights Council of Balochistan, 371 people have been disappeared and at least 158 killed by Pakistani security forces in the first six months of 2019 alone.<sup>107</sup>

Amnesty International corroborates this information, noting that since 2011, hundreds of Baloch people have been disappeared only to be killed by Pakistani security forces.<sup>108</sup> As of March 2019, Pakistan's Commission of Inquiry on Enforced Disappearances, a state-run agency, had over 2,000 unresolved cases of enforced disappearances.<sup>109</sup> The sister of Imam Ishaq, another missing person, committed suicide after protesting against the disappearance of her brother which gained public attention through a short video of her protest which was increasingly circulated through social media.<sup>110</sup>

A Pakistani human rights activist and feminist worker, Gulalai Ismail, fled to the United States, after being chased, harassed, interrogated, investigated and charged with terrorism, defamation and sedition, after she openly expressed her solidarity with the PTM in Khyber Pakhtunkhwa.<sup>111</sup> Her father faced similar threats

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106 Human Rights Watch, 'We Can Torture, Kill, or Keep You for Years', *Human Rights Watch*, July 28, 2011, <https://www.hrw.org/report/2011/07/28/we-can-torture-kill-or-keep-you-years/enforced-disappearances-pakistan-security>.

107 Hari Prasad and Aman Madan, 'Detained, tortured, and murdered in Pakistan: Balochistan's lost generation', *The New Arab*, August 16, 2019, <https://english.alaraby.co.uk/english/indepth/2019/8/16/detained-tortured-and-murdered-pakistans-lost-generation-of-balochis>.

108 'Balochistan: Hundreds of Baloch Rights Activists Detained, Tortured and Murdered as Part of the State's Kill and Dump Policy', Unrepresented Nations and Peoples Organisation, accessed July 14, 2020, <https://unpo.org/article/21644>.

109 Ibid.

110 BWNews, 'Balochistan: Brother's disappearance, despaired sister commits suicide', *BWNews*, June 15, 2020, <https://balochwarna.com/2020/06/15/balochistan-despaired-sister-commits-suicide>.

111 Jeffrey Gettleman, 'Gulalai Ismail, Feminist Hunted by Pakistan's Authorities, Escapes to U.S.', *The New York Times*, September 19, 2019, <https://www.nytimes.com/2019/09/19/world/asia/gulalai-ismail-pakistan-activist.html>.

after she escaped, and was arrested for allegedly ‘spreading hate against the state’, kept in custody for 14 days, and her passport and documents were taken away.<sup>112</sup>

Jalila Haider, a Baloch women’s rights activist was detained at the Lahore airport by the Federal Investigation Agency (FIA) for seven hours while travelling to a conference in London. The agency reportedly detained her because her name was on a category B watchlist for ‘anti-state activities’, and therefore labelling her as a terrorist who was a security threat to Pakistan. Her passport was taken away and returned only after she had missed her flight.<sup>113</sup> Human rights activists and civil society workers are being increasingly questioned at airports about their international travels and participation at international conferences and their reasons for doing so.<sup>114</sup>

## **Media**

Journalists, writers and human rights activists who advocate for the rights of minorities, or even simply talk about free speech and give an impression of a liberal Pakistan are increasingly being silenced. Media outlets, small and large, as well as independent writers have experienced growing backlash, harassment, intimidation and criminalisation.<sup>115</sup> Sajid Hussain Baloch, a Pakistani Baloch journalist, was found dead in Sweden in May after he had gone missing in March.<sup>116</sup> There is sufficient information to suggest that

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112 Ibid.

113 Imran Gabol, ‘Activist Jalila Haider released after being held by FIA for 7 hours at Lahore Airport’, *Dawn*, January 20, 2020, from <https://www.dawn.com/news/1529491>.

114 ‘Pakistan: Airport security screening procedures for passengers departing on international flights, including whether authorities verify if a passenger is wanted by the police (2015-December 2017)’, *Canada: Immigration and Refugee Board of Canada*, January 15, 2018, <https://www.refworld.org/docid/5aa8d7547.html>.

115 Hannah Ellis-Petersen and Shah Meer Baloch, ‘“Extreme Fear and Self-Censorship”: Media Freedom under Threat in Pakistan.’, *The Guardian*, November 5, 2019, <https://www.theguardian.com/world/2019/nov/05/extreme-fear-and-self-censorship-media-in-pakistan-under-attack>.

116 DW, ‘Sajid Hussain Baloch: Missing Pakistani journalist found dead in Sweden’, *DW*, May 2, 2020, <https://www.dw.com/en/sajid-hussain-baloch-missing-pakistani-journalist-found-dead-in-sweden/a-53308039>.

Pakistani intelligence agencies may have abducted him and also killed him, as he had fled from Pakistan to seek refuge in Sweden after receiving threats for his journalism on the separatist conflict in Balochistan.<sup>117</sup>

In a rare testimony in August 2020, two dozen female Pakistani journalists complained that they have encountered ‘coordinated’ vicious social media campaigns to harass, discredit and intimidate them for their work.<sup>118</sup> Some of them alleged that Twitter accounts affiliated with the ruling Pakistan Tehreek-e-Insaf (PTI) Party and right-wing elements in the society were behind the ‘organised’ attacks. Several of the witnesses described the explicit nature of the sexual abuse they faced, including social media trolls calling them ‘prostitutes’ or ‘whores’ and threatening them with rape or death.<sup>119</sup>

### **Academics**

Junaid Hafeez, a university professor, was sentenced to death on charges of blasphemy in Multan in 2019 after being accused in 2013 and spending the intervening years in solitary confinement.<sup>120</sup> Shagufta Masih, who shared the same cell for a while with Asia Bibi, was accused along with her husband, of blasphemy. The case now stands adjourned for an ‘indefinitive’ period.<sup>121</sup>

University professors known to teach with an open mind and who are progressively inclined have faced intimidation from students as well as conservative administration and faculty members. Recently, Pervaiz Hoodbhoy, a renowned Pakistani nuclear physicist, was dismissed by the Formal Christian College in Lahore as his views

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117 Ibid.

118 Ayaz Gul, ‘In Rare Testimony, Female Pakistani Journalists Describe Social Media Attacks to Lawmakers’, *Voice of America*, August 18, 2020, <https://www.voanews.com/press-freedom/rare-testimony-female-pakistani-journalists-describe-social-media-attacks-lawmakers>.

119 Ibid.

120 Asad Hashim, ‘Pakistani academic Junaid Hafeez sentenced to death for blasphemy’, *Aljazeera*, December 21, 2019, <https://www.aljazeera.com/news/2019/12/pakistani-academic-junaid-hafeez-sentenced-death-blasphemy-191221091139428.html>.

121 Asif Aqueel, ‘Asia Bibi's Cell Now Holds Another Christian Woman on Death Row for Blasphemy’, *Christianity Today*, July 30, 2019, <https://www.christianitytoday.com/news/2019/may/asia-bibi-lawyer-malook-shagufta-shafqat-blasphemy-pakistan.html>.

were openly known as being critical of the government policies; he also lectured on logic and progressive thought and reasoning.<sup>122</sup> Similarly, Ammar Ali Jaan, a well-known rights activist, was dismissed by the Formal Christian College, after having been previously removed from Punjab University for his political views, following his protest against the killing of Arman Loni, a senior leader of the Pashtun Tahafuz Movement, and being ‘needlessly vocal’ on minorities rights, the PTM and women’s activism.<sup>123</sup>

Lawyers who work as human rights activists, especially those defending blasphemy-related cases against minorities, and lawyers who are themselves minorities, continue to face threats for the work they do. According to the Frontline Defenders, some 371 human rights defenders are at risk in Pakistan.<sup>124</sup> The case of the lawyer Saif ul Mulook, who defended Asia Bibi, is also worth noting as he continues to face considerable threats to his public life as he defends another Christian couple’s case.<sup>125</sup>

## **Conclusion**

The state of security and freedom of expression remains one of deep concern in Pakistan. The shrinking space for civil society indicates the heightened threats to Pakistani human rights defenders and free thinkers. They have been victims of enforced disappearances, illegal detention and, in some instances, murder as well. Pakistani civil society groups increasingly feel the systematic elements of coercion, which operate through covert state practices. The voice of civil society is suppressed and unheard. Even the voices which get a hearing are not entertained seriously or get access to

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122 The Express Tribune, ‘Hoodbhoy resigns from FC College after administration terms contract “non-renewable”’, *The Express Tribune*, July 03, 2020, <https://tribune.com.pk/story/2253195/hoodbhoy-resigns-from-fc-college-after-administration-terms-contract-non-renewable>.

123 ‘FC College Forces Ammar Ali Jan To Step Down As Faculty Member’, *NayaDaur*, June 20, 2020, <https://nayadaur.tv/2020/06/fc-college-forces-ammar-ali-jan-to-step-down-as-faculty-member/>.

124 ‘#Pakistan’, Frontline Defenders, accessed July 14, 2020, <https://www.frontlinedefenders.org/en/location/pakistan>.

125 New Internationalist, ‘The Pakistani lawyer putting his life on the line’, *New Internationalist*, June 12, 2019, <https://newint.org/features/2019/06/12/pakistani-lawyer-putting-his-life-line>.

justice. Democratic in its constitution, the rights of the citizens are inalienable in Pakistan. Yet, minorities continue to be coerced through ‘silent discrimination’ such as the growing phenomenon of forced conversions.

## **Recommendations**

- i. The government of Pakistan must stop invasive attacks on the public lives of citizens through regressive laws that restrict civil liberties.
- ii. Laws should remain in line with Pakistan’s international commitments through the UN Conventions, EU conventions, as well as agreements on human rights with GSP (Generalised Scheme of Preferences) + and FATF (Financial Action Task Force).
- iii. The government must impede undue space given to undemocratic institutions to reform, coerce, or manipulate laws, systems and procedures and the space of citizens.
- iv. The government must adhere to the Articles on the Freedom of Association as mentioned in the Constitution and disallow interference of undemocratic institutions in unwarranted arrests, torture, abductions and intimidation.
- v. Political parties in Pakistan are recommended to transform as modern political parties and institute a culture of participatory politics.
- vi. Democratic parties should evolve by identifying the lack of political parties that have not been organised around patronage politics and feudal relationships.
- vii. Consultations should be held with civil society regarding interference by state apparatus against organisations without taking in confidence NGOs, INGOs and parliament, yet civil society is struggling on account of shrinking civic space and stringent regulations imposed on civil society including media, NGOs, and INGOs.
- viii. The government must enact existing laws against hate speech and sectarian violence, especially with regards to the rising sectarian Shia-Sunni conflict in the country and the persecuted Ahmadiya population.

- ix. The government must, at least, enact sections of the Pakistan Penal code against the unlawful conversion of citizens to Islam.
- x. The government must move towards integrated systems, institutions and departments that make enforcement mechanisms mandatory to uphold constitutional values of civil liberties instead of enacting and legislating regressive laws which defy these values.

# Annex

## Assessment of Civic Space in Pakistan: Survey Findings

An online survey was conducted with 25 renowned human rights defenders on how civic space has fared in Pakistan since the Pakistan Tehreek Insaaf (PTI) came to power in 2018. Of them, substantial majorities strongly disagree with the statement that sexual minorities are able to practise their civil liberties in Pakistan; that men and women are able to enjoy equal access to civil liberties; that the poor and the rich have equal access to civil liberties; or that all different social groups, regardless of ethnicity, language, etc, are able to access civil liberties.

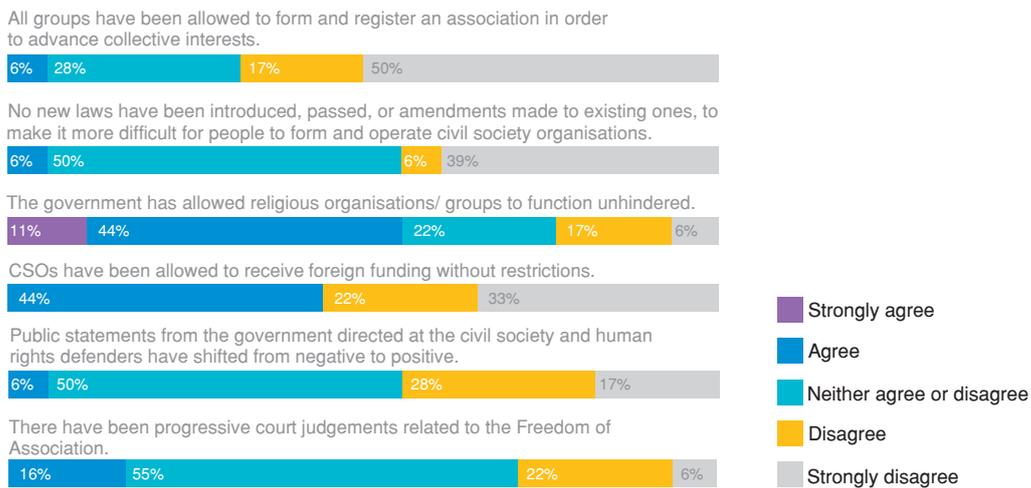
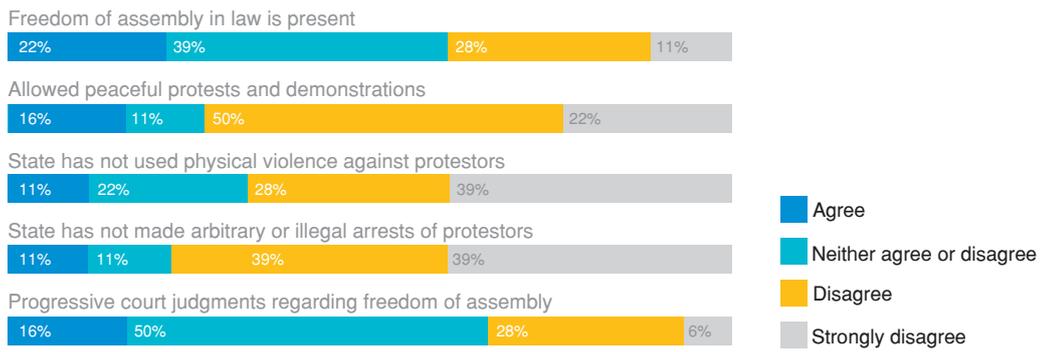


Figure 1: Evaluating the Perception of Access to Civic Space Reflected in the Law, and for Different Groups According to Human Rights Defenders

Half the respondents strongly disagree with the statement that all groups have been allowed to register an association in order to advance their collective interests. There is blatant discrimination in the nature of rights that CSOs are allowed to advocate for. A total of 89 per cent of the respondents believe that no new laws have been passed to make the operation of CSOs more difficult, with 50 percent disagreeing and around 39 percent strongly disagreeing with the statement.



**Figure 2: Percentage of Human Right Defenders Who Believe in the Accessibility of Freedom of Association for All Groups in Pakistan**



**Figure 3: Percentage of Respondents' Agreement or Disagreement With Statements About Freedom of Assembly**