



Plenary sitting

B8-0422/2017

13.6.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Pakistan, notably the situation of human rights defenders and the death penalty
(2017/2723(RSP))

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on behalf of the S&D Group

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European Parliament resolution on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP))

The European Parliament,

- Having regard to its previous resolutions on Pakistan;
 - Having regard to the Council conclusions on 18 July 2016 on Pakistan
 - Having regard to the EU-Pakistan Five Year Engagement Plan
 - Having regard to the Human Rights Action Plan of Pakistan
 - Having regard to the recommendations of the reports of the EU Election Observation Mission to Pakistan,
 - Having regard to the statements by the High Representative for Foreign Affairs and Security Policy of the EU and her spokesperson on Pakistan;
 - Having regard to the Convention on the Rights of the Child,
 - Having regard to the Constitution of Pakistan,
 - Having regard to the EU Guidelines on the promotion and protection of freedom of religion or belief, on Human Rights Defenders and on the Death Penalty, as well as the 2012 Strategic Framework on Human Rights and Democracy;
 - Having regard to Rule 135 of its Rules of Procedure.
- A. Whereas the government of Pakistan lifted the moratorium on the use of the death penalty against civilians in 2014, despite urging to the contrary by the UN Secretary General; whereas 85 people were executed in Pakistan in 2016, and 8000 prisoners are currently on death row;
- B. Whereas cases have been reported of executions carried out while appeal mechanisms are still underway; whereas two brothers were acquitted of murder charges in October 2016 after they had been found guilty and hanged;
- C. Whereas the use of the death penalty for persons under the age of 18 is not permitted under international law; whereas at least 5 individuals have been executed since December 2014 for crimes committed when they were under 18 years of age;
- D. Whereas enforced disappearances in Pakistan have spread from Balochistan, FATA, Khyber Pakhtunkhwa and Sindh to include Punjab and Islamabad;

- E. Whereas information collected by the UN Working Group on Enforced or Involuntary Disappearances and NGOs reveals enforced disappearances are perpetrated by security and law enforcement agencies such as the police and intelligence agencies;
- F. Whereas Pakistan established a Commission of Inquiry on Enforced Disappearances in 2011; whereas by March 2017 the Commission is investigating 1240 cases of missing persons; whereas at least 650 missing people disappeared from Balochistan where the political and security situation is in crisis;
- G. Whereas the Constitution of Pakistan guarantees the right to freedom of expression and of the press; whereas freedom of the press has been severely curtailed through intimidation, abduction and killing of journalists in Pakistan;
- H. Whereas the blasphemy laws of Pakistan include vague definitions which are open to abuse; whereas lack of proof of intent or weak evidence of blasphemy is often exploited leading to persecution of individuals;
- I. Whereas there are currently 19 people on death row and hundreds awaiting trial for blasphemy; whereas the mandatory sentence for certain categories of blasphemy is a life sentence or the death penalty;
- J. Whereas the government launched a national action plan to combat terrorism in 2014, which provides for the use of the death penalty for terrorist offences, and the creation of military courts; whereas NGOs, humanitarian and human rights organisations have faced intimidation and harassment under the national plan against terrorism and the Regulation of INGOs in Pakistan policy;
- K. Whereas military courts were authorised for 2 years while the civilian judiciary was strengthened; while there has been little progress on strengthening the judiciary and the military courts have been reinstated for a further two year period;
- L. Whereas a majority of people executed in 2015 and 2016 were given a death penalty sentence for offenses other than terrorist activities;
- M. Whereas Indian national Kulbhushan Jadhav was convicted by a military court in April 2017 and sentenced to the death penalty for spying, sabotage and terrorism; whereas the case is currently before the International Court of Justice amid accusations the Pakistani authorities failed to inform Kulbhushan Jadev of his consular rights;
- N. Whereas the United National Committee on the Rights of the Child has expressed serious concern at the situation for children including executions, terrorism and alleged torture in police custody; whereas women and girls face violence including sexual violence, honour killings, acid attacks and forced marriage;
- O. Whereas Pakistan participates in the GSP+ scheme; whereas this scheme ‘should provide a strong incentive to respect core human and labour rights, the environment and good governance principles’;

1. Reiterates the European Union's strong opposition to the death penalty in all cases and without exception; recalls that the death penalty is a cruel and inhumane punishment which fails to act as a deterrent and risks irreversible miscarriages of justice; calls for the universal abolition of capital punishment, and calls on Pakistan to reinstate a moratorium with a longer-term objective for the full abolition of the death penalty;
2. Is deeply concerned by reports of the use of the death penalty following flawed trials, the use of the death penalty being extended to blasphemy allegedly committed online; the executions of minors and people with mental disabilities, and allegations of torture; urgently calls on the Pakistani authorities to fully respect the Convention on the Rights of the Child and immediately refrain from carrying out any executions of minors; calls for the Pakistani authorities to launch an investigation into credible concerns of individuals with mental or intellectual disabilities or disorders who have been sentenced to the death penalty;
3. Notes the challenges faced by Pakistan under the threat of terrorism and the efforts undertaken by the government; expresses serious concern however at the Prevention of Cybercrimes Act adopted in 2016, granting access to government authorities to data without appropriate judicial oversight, and criminalising online activity with vague criteria;
4. Calls for the creation of a public prosecutor to investigate and prosecute attacks against journalists in Pakistan; encourages the Pakistani government to amend the Prevention of Cybercrimes Crimes Act to close loopholes which allow broad monitoring, data retention and closure of websites on vague and arbitrary criteria;
5. Expresses serious concern at the use of vague definitions and application of blasphemy accusations; pending abolition of blasphemy laws, calls for the government of Pakistan to take immediate action to prevent the misuse of blasphemy charges, by putting in place effective procedural and institutional safeguards; to this effect calls for legal reform to ensure that arrests can only be made on the basis of a warrant issued by a judicial magistrate and courts cannot take cognizance of blasphemy cases unless complaints are made by the provincial or federal governments; urges the Pakistan government to abolish the mandatory death penalty for blasphemy under Section 295-C without delay and to commute all death sentences;;
6. Recalls the importance of adequate protection of judges, lawyers and witnesses involved in blasphemy cases as well as those who are accused of blasphemy and their families ;
7. Expresses deep concern at the use of military courts in Pakistan which do not meet international fair trial standards according to human rights organisations; calls for the immediate and transparent transition to independent civilian courts in line with international standards on judicial proceedings;
8. Insists Pakistani authorities grant access to international observers and human rights organisations to monitor the use of military courts;

9. Calls on the government of Pakistan to take further action to protect and promote safe access to education particularly for girls and in rural areas;
10. Recalls the granting of GSP+ status is conditional; urges the government of Pakistan to make strong efforts to implement the 27 core conventions and demonstrate progress; calls on the Commission to monitor closely the progress in Pakistan and report regularly to the European Parliament;
11. Calls on the European Commission and EEAS to raise these issues with the Pakistani authorities during the regular Human Rights Dialogues;
12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights and the Government and Parliament of Pakistan.