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TEXTS ADOPTED

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**Pakistan, notably the situation of human rights defenders and the death penalty**

**European Parliament resolution of 15 June 2017 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 of 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 EU-Pakistan Multiannual Indicative Programme (MIP) 2014-2020,
- 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 of the Union for Foreign Affairs and Security Policy and her spokesperson on Pakistan,
- having regard to the Universal Declaration of Human Rights of 1948, in particular Article 18 thereof,
- having regard to the International Covenant on Civil and Political Rights, to which Pakistan is a signatory,
- 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, and the 2012 Strategic Framework on Human Rights and Democracy,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

- A. whereas Pakistan had a moratorium on the death penalty in place until 2015, but reinstated it in the wake of the massacre at the Army Public School in Peshawar in December 2014; whereas the moratorium was lifted initially only for terrorist activities, but was subsequently extended to all capital offences;
- B. whereas Pakistan now has one of the largest death row populations in the world; whereas cases have been reported of executions carried out while appeal mechanisms were still under way;
- C. whereas Pakistan's 'blasphemy law' (Section 295-C of the Penal Code) carries a mandatory death sentence; whereas currently hundreds of people are awaiting trial and a number of individuals are on death row on charges of 'blasphemy'; whereas the law is considered to contain vague definitions which are open to abuse to target political dissidents or silence legitimate criticism of state institutions and other bodies;
- D. whereas in March 2017 the Prime Minister ordered a ban on all 'blasphemous' material online, and Pakistani authorities have asked social media companies to help identify Pakistanis suspected of 'blasphemy'; whereas on 14 April 2017 Mashal Khan, a student at Abdul Wali Khan University, was lynched by a mob of fellow students after having been accused of publishing 'blasphemous' material online; whereas on 10 June 2017 a Pakistani counter-terrorism court sentenced Taimoor Raza to death for allegedly committing 'blasphemy' on Facebook; whereas the activist Baba Jan and 12 other demonstrators have been sentenced to life imprisonment, the most severe sentence ever to have been handed down for demonstrating;
- E. whereas Pakistan's National Assembly passed a resolution on 18 April 2017 condemning the lynching of Mashal Khan by a violent mob over alleged 'blasphemy'; whereas the Senate has debated reforms in order to rein in abuse;
- F. whereas military courts were authorised for two years while the civilian judiciary was supposed to be strengthened; whereas there has been little progress in developing the judiciary, and on 22 March 2017 the military courts were controversially reinstated for a further two-year period;
- G. whereas multiple instances have been noted in Pakistan of human rights defenders, political dissidents and members of religious minorities or groups such as the Ahmadiyya experiencing intimidation, assault, imprisonment, torture and harassment and being killed; whereas information collected by the UN Working Group on Enforced or Involuntary Disappearances and by NGOs reveals that enforced disappearances are being perpetrated by security and law enforcement authorities including the police and intelligence agencies; whereas not a single perpetrator has been successfully brought to justice;
- H. whereas Indian national Kulbhushan Jadhav was convicted by a military court in April 2017 and sentenced to death; whereas the case is currently before the International Court of Justice on the grounds that he was denied consular access rights; whereas on 4 May 2017 a 10-year-old boy was murdered and five other people wounded in a mob attack on a police station in Balochistan, believed to have been motivated by 'blasphemy' allegations; whereas on 30 May 2017 the alleged rape of a teenager (only named 'Shumaila' in local media) by a family member in Rajanpur led to the victim being sentenced to death by a tribal court; whereas these cases are not isolated events;

- I. whereas the case of Aasiya Noreen, better known as Asia Bibi, continues to be a matter of grave importance for human rights concerns in Pakistan; whereas Asia Bibi, a Pakistani Christian woman, was convicted of blasphemy by a Pakistani court and sentenced to death by hanging in 2010; whereas should the sentence be carried out Asia Bibi would be the first woman to be lawfully executed in Pakistan for blasphemy; whereas various international petitions have called for her release on the grounds that she was being persecuted for her religion; whereas Christian minority minister Shahbaz Bhatti and Muslim politician Salmaan Taseer were murdered by vigilantes for advocating on her behalf and speaking out against the ‘blasphemy laws’; whereas, despite the temporary suspension of Asia Bibi’s death sentence, she remains incarcerated to the present day and her family remains in hiding;
  - J. whereas the crackdown on NGOs is continuing unabated; whereas, on the pretext of implementation of the national plan against terrorism, numerous NGOs have been intimidated and harassed and some have had their offices sealed;
  - K. whereas 12 million women do not have national identity cards and are therefore denied the right to register to vote in elections; whereas several EU election observation missions have made recommendations for improving the electoral process for the next elections, which are scheduled for 2018;
  - L. whereas Pakistan entered the GSP+ scheme on 1 January 2014; whereas this scheme should provide a strong incentive to respect core human and labour rights, the environment and good governance principles;
  - M. whereas the EU remains fully committed to continuing its dialogue and engagement with Pakistan under the Five-Year Engagement Plan and its replacement;
- 1. Reiterates the EU’s strong opposition to the death penalty, in all cases and without exception; calls for the universal abolition of capital punishment; expresses deep concern at the decision by Pakistan to lift the moratorium, with executions now continuing at an alarming rate; calls on Pakistan to reinstate the moratorium, with the longer-term objective of full abolition of the death penalty;
  - 2. Is deeply concerned at the reports of the use of the death penalty in Pakistan following flawed trials, the execution of minors and persons with mental disorders, and allegations of torture; calls on the government to bring the provisions on the death penalty in national legislation into line with international law and standards, including a halt on executions for any offence other than intentional killing, a ban on the execution of juvenile offenders and persons with mental disorders, and a moratorium on carrying out executions while appeals are pending;
  - 3. Deplores the roll-back in Pakistan over respect for human rights and the rule of law, and in particular the increase in extrajudicial killings and the intimidation of and use of force against journalists, human rights defenders, NGOs and critics of the government; recalls the obligations of the Pakistani government to ensure respect for fundamental rights; welcomes Pakistan’s adoption of a Human Rights Action Plan, and calls for it to be translated into tangible progress; warns in this regard that the EU will be extremely concerned if activists continue to fall victim to such practices and progress is not observed;

4. Expresses its concern over the broad freedom of operation granted to the security forces, and calls on the Pakistani Government to ensure better oversight of their actions; urges the competent authorities to undertake a prompt and impartial investigation into deaths in custody and killings by the security forces, as well as allegations of torture, and to prosecute the perpetrators of extrajudicial killings and torture;
5. Deplores the use in Pakistan of military courts that hold hearings in secret and have civilian jurisdiction; insists that the Pakistani authorities grant access to international observers and human rights organisations for purposes of monitoring the use of military courts; calls also for an immediate and transparent transition to independent civilian courts, in line with international standards on judicial proceedings; underscores that third-country nationals brought to trial must be allowed access to consular services and protection;
6. Is deeply concerned at the continued use of the ‘blasphemy law’, and believes this is heightening the climate of religious intolerance; notes the findings of the Supreme Court of Pakistan that individuals accused of ‘blasphemy’ ‘suffer beyond proportion or repair’ in the absence of adequate safeguards against misapplication or misuse of such laws; calls, therefore, on the Pakistani Government to repeal Sections 295-A, 295-B and 295-C of the Penal Code, and to put in place effective procedural and institutional safeguards to prevent the misuse of ‘blasphemy’ charges; calls also on the government to take a stronger position in condemning vigilantism towards alleged ‘blasphemers’, and urges it not to use the ‘blasphemy’ rhetoric itself;
7. Calls on the Pakistani Government to take urgent action to protect the lives and rights of journalists and bloggers; expresses its concern at the request made by the Pakistani authorities to Twitter and Facebook to disclose information about their users in order to identify individuals suspected of ‘blasphemy’; calls on the Government and Parliament of Pakistan to amend the Prevention of Electronic Crimes Act 2016 and to remove the overly wide-ranging provisions for monitoring and retaining data and shutting down websites on the basis of vague criteria; calls also for all death sentences handed down on charges of ‘blasphemy’ or political dissent to be commuted, including the sentence against Taimoor Raza; calls in this context on the President of Pakistan to make use of his power of clemency;
8. Notes the progress made in the implementation of the EU-Pakistan Five-Year Engagement Plan, but expresses the hope that the new Strategic Engagement Plan to be finalised in 2017 will be ambitious and will help strengthen the ties between the EU and Pakistan;
9. Urges the Government of Pakistan to resolve, in as positive and swift a manner as possible, the ongoing case of Asia Bibi; recommends that steps be taken to ensure the safety of Ms Bibi and her family in the light of the historic treatment of victims of blasphemy allegations by vigilantes and non-judicial actors;
10. Recalls that the granting of GSP+ status is conditional and that the effective implementation of international conventions is an essential requirement under the scheme; urges the Pakistani Government to make strong efforts to implement the 27 core conventions and demonstrate progress;
11. Calls on the Commission and the EEAS to raise these issues with the Pakistani

authorities during the regular Human Rights Dialogue;

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, the governments and parliaments of the Member States, and the Government and Parliament of Pakistan.