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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Africa Culture Internationale, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2023]

* Issued as received, in the language of submission only.



Urgent Need of Human Rights Council's Attention to Safeguarding Human Rights and Fundamental Freedoms in Pakistan and its Administered Azad Kashmir and Gilgit Baltistan.

The African Cultural Internationale (ACI) would like to highlight the dismal state of freedom of expression in Pakistan and its controlled territories. We would like to bring to this Council's attention that with regard to the freedom of expression of the people of Pakistan Administered Azad Jammu & Kashmir, there is a legal limitation flowing from a brazen contradiction between the Constitution of Pakistan and the Interim Constitution of Pakistan Administered Azad Jammu & Kashmir Act 1974; Article 257 of the Constitution of Pakistan states that people of "Jammu and Kashmir" are free to define their relationship with Pakistan if (and only after) they decide to accede to Pakistan, however as per the Azad Jammu & Kashmir Interim Constitution Act of 1974, no person or political party in Azad Jammu & Kashmir, Pakistan Administered Kashmir is permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan and no person can assume office unless he/she takes the oath of "Jammu and Kashmir's" accession to Pakistan and nobody can be appointed to any government job unless he/she expresses loyalty to the concept of "Jammu and Kashmir's" accession to Pakistan.

The Constitution of Azad Jammu & Kashmir, Pakistan Administered Kashmir is full of further contradictions which criminally curtail the freedom of expression of the people of Pakistan Administered Kashmir. Under Section 56 of the Azad Jammu and Kashmir Act of 1974, the government of Pakistan can dismiss any elected government of 'Azad Jammu & Kashmir' irrespective of the support it may enjoy in the 'Azad Jammu & Kashmir Legislative Assembly'. In reality, the 'Azad Jammu & Kashmir Act 1974' provides two executive forums – The 'Azad Jammu & Kashmir Government' in Muzaffarabad and the 'Azad Jammu and Kashmir Council' in Islamabad.

The Act further says that the future of the state will be decided on the basis of a free plebiscite in accordance with the UNSC's relevant resolutions while till date Pakistan itself has failed to implement its clauses, and as such, the UNCIP was unable to communicate to India ratification of implementation of the Resolution of 13 August 1948 by Pakistan.

Various amendments to the 1974 Interim Constitution of the Pakistan-Administered and 'Azad' (Free) Jammu & Kashmir (AJ&K) continue to serve as a grim reminder of just how suppressed and occupied 'Azad' J&K, Pakistan Administered Kashmir actually is. Ruthless exploitation of the people and resources of Pakistan Administered Azad Jammu & Kashmir to benefit Pakistan has led to considerable resentment amongst the people of the region. This, combined with the near-total absence of tangible rights to the region has led to a feeling of being colonized.

Pakistan has been flagrantly attempting to position itself in the international arena as the champion of the cause of the people of Pakistan Administered Azad Jammu and Kashmir on both sides of the Line of Control LoC. Whether it possesses the moral justification to claim such an exalted title for itself is highly questionable in view of its contemptuous disregard for the rights – both human and to resources – of the people of Pakistan Administered Azad Jammu and Kashmir that it illegally and forcibly occupies. This is amply borne out by the long and weighty lists of grievances being articulated at the near-incessant stream of protests taking place in Pakistan Administered Azad Jammu and Kashmir. It is only the heavy hand of the Pakistani security establishment and its intelligence agencies that has thus far ensured that such protests and expression of genuine grievances are kept tightly under wraps, with coverage being blacked out of the local and international media.

If Pakistan's record in providing and ensuring human rights was dismal during the period that the Interim Constitution of Pakistan Administered Jammu & Kashmir Act 1974 was drawn up, it has worsened further since then. An Amnesty International noted in its 'Human Rights in Asia-Pacific: Review of 2019' that was released on 30 January 2020, that Pakistani authorities intensified their crackdown on the right to freedom of expression. Enforced disappearances remained pervasive, with no one held accountable for them. The government failed to uphold its commitments to legislate against torture and enforced disappearances.

Violence against women and girls remained widespread. Parliament blocked attempts to restrict child marriage. Religious minorities continued to be prosecuted under blasphemy laws and attacked by non-state actors while also specifically highlighting that the military tightened its control over the economy, foreign policy and national security, shrinking space for civil society to promote and defend human rights. Several members of the political opposition were imprisoned on politically-motivated charges, raising fair trial concerns.

Another issue of concern are the blasphemy laws of Pakistan and their grievous consequences, which more than often result in grave miscarriages of justice, the erroneous detention and conviction of innocent people, and vigilantism and mob violence. Even judgments of Pakistani Courts appear to be clouded by personal vendetta, prejudice against minorities, self-interest, envy and power, turning the courtroom in an arena of hostility, instead of fairness and impartiality, perpetuating a subsequent cycle of labelling and demonization, which translates into lifelong emotional trauma and persecution, even for those found innocent. Simultaneously the Islamization process of Pakistan's legal system, through the incorporation of Shariah law and blasphemy laws have incited violence against innocent people and denial of fair trial and justice. False accusations, personal vendetta, duress, prejudice and a string of failures of the judicial system to attain the ends of justice portray the extent to which people from all walks of life could become faultless victims of groundless allegations. Not only that, but the individuals involved in their defence and trial – lawyers, judges, public figures and human rights activists, also automatically become branded as guilty.

Africa Culture Internationale (ACI) vigorously presses for the urgent reform of the blasphemy laws, by repealing the existent provisions and drafting new legislation, which is fully compliant with the international legal obligations in respect to the rights to life; freedom of thought, conscience, and religion or belief; freedom of opinion and expression; equality before the law; and the prohibition of discrimination. Moreover, the Pakistani State should take urgent steps in repealing the death penalty and commute all death sentences that have already been imposed.

In Pakistan, no ethnic group other than the dominant Punjabi has been spared by the Pakistani State, specifically its all-pervasive military establishment and intelligence agencies. Whether it is the Baloch, who have been literally in the firing line of the military establishment, the Sindhis, who have fared little better, the Ahmadiya religious minority that has been targeted under draconian blasphemy laws, or the subjugated residents of Pakistan Administered Azad Jammu and Kashmir and Gilgit Baltistan, their plight has been the same. Unlawful detentions, torture, enforced disappearances, and extra-judicial killings of critics of the government and innocent civilians alike have become the norm rather than the exception in Pakistan.

Issues connected to terrorism continue to dominate Pakistan Administered Azad Jammu and Kashmir's political landscape even today, bearing key implications for its people as well as the broader relationship between India and Pakistan. Support for terrorism has eroded the cultural identity of the people of Pakistan Administered Azad Jammu and Kashmir by forcing an alien and violent culture of radicalism, Jihadism and terrorism upon them. The Pakistani State uses legislation to harness political power, censor unwelcome criticism and political opposition, instigate religious sentiments and legitimize religious discrimination, foster nationwide "patriotism" and consolidate a sense of Muslim union, as a result of which those political figures often find themselves backed up by radical Islamists, who enjoy legal cover for their acts of violence and terrorism.

Freedom of opinion and expression and freedom of the press are indispensable elements of any democratic set up. Unfounded restrictions or censorship of mainstream and social media content, alongside with the harassment and intimidation of journalists and investigative reporters come as direct contravention of Article 19 of the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948.

Africa Culture Internationale (ACI) requests this Council to acts against Pakistan if it actually wishes to fulfil what it is mandated to do – dispassionately protect and promote human rights.