



PROTECTION OF HUMAN RIGHTS DEFENDERS IN PAKISTAN

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Abstract

Human rights defenders (HRDs) in Pakistan are key players in the fight for fundamental freedoms, social justice, and the protection of marginalized communities. However, they face many challenges, including threats, harassment, legal persecution, kidnappings, and even extrajudicial killings. The legal system is also not very friendly; the country has restrictive laws like the Prevention of Electronic Crimes Act (PECA), anti-terrorism laws and other regulations that have been used to target and silence dissenting voices. Furthermore, the absence of effective protection mechanisms combined with the lack of political will only serve to increase their vulnerability. Although there are numerous challenges that HRDs face in Pakistan, there are still possibilities that can be used to enhance the protection of HRDs. The work of international human rights bodies, local civil society organizations, and legal professionals to push for policy reform and better enforcement of existing protections is continuing. The increase in the use of digital advocacy and international pressure has also opened up new ways of giving people a platform and receiving support. The following are some of the measures that can be taken to strengthen legal frameworks, enhance the capacity of state institutions and foster cooperation between the government and civil society in order to create a safer environment for HRDs: This research looks at the complexities of the protection of HRDs in Pakistan, and identifies the structural barriers and possible ways for improvement. Based on case studies and existing legal frameworks, this study tries to provide practical recommendations for improving the safety and functioning space of HRDs. The results of the study also show that there is the need for comprehensive reforms, more awareness, and a general adherence to human rights principles in Pakistan.

Key Words

Human Rights Defenders (HRDs), Pakistan, Legal repression, Civil liberties, Freedom of expression, PECA, ATA, Blasphemy laws, Digital surveillance, Enforced disappearances, WHRDs, Minority rights, Judicial response, Media freedom, UN Declaration on HRDs

Introduction

Human Rights Defenders (HRDs) are individuals and groups who work to promote, protect, and defend the rights and freedoms enshrined in international human rights law for all individuals. They are journalists, lawyers, activists, whistleblowers, and members of civil society who fight against injustice, speak out against abuses, and strive to maintain democratic values. The United Nations Declaration on Human Rights Defenders of 1998 legally acknowledges the validity of their activities and imposes upon states the responsibility to offer them security and assistance. Nevertheless, in most of the world—most notably in Pakistan—HRDs are subject to serious threats to their freedom, security, and even lives.

In Pakistan, HRDs work in a very volatile context characterized by legal limitations, political instability, religious intolerance, and feeble rule of law. While constitutional provisions of freedom of expression, association, and equality are enshrined, defenders are constantly harassed, intimidated, arbitrarily detained, subjected to enforced disappearances, and violence by state and



non-state actors. Defenders dealing with issues of minority rights, enforced disappearances, women's rights, or digital freedom are especially at risk.

In the past, the platform for human rights activism in Pakistan has ebbed and flowed with shifting political powers—military regimes usually preceded eras of repression, and democratic change brought fleeting windows for civil society. Even in the times of civilian rule, however, there were repressive legislations like the Blasphemy Laws, the Anti-Terrorism Act (ATA), and the Prevention of Electronic Crimes Act (PECA) which have been used to muffle dissent and prosecute activism. In addition, the absence of a specific legal framework to safeguard HRDs, combined with limited institutional responsibility, magnifies the threats they are exposed to.

The aim of this research is to explore the complex problems facing HRDs in Pakistan, examine the existing legal and institutional frameworks for protecting them, and evaluate the position of media, judiciary, and civil society as both defenders and violators of their rights. Through case study, legal reasoning, and interviewing, the study hopes to come up with real recommendations to support HRDs in Pakistan in fulfilling their critical duties without repression or fear.

Literature Review:

Global discussion of Human Rights Defenders (HRDs) has greatly developed since the adoption of the UN Declaration on Human Rights Defenders (1998), which enshrines the right of individuals and groups to promote and protect universally recognized human rights and fundamental freedoms. HRDs are not identified by their profession but by the dedication to protect human dignity, and can comprise journalists, lawyers, activists, whistleblowers, women's rights defenders, and leaders of ethnic or religious minorities (UN OHCHR, 1998). Although numerous nations have moved forward with institutionalizing the protection of HRDs, Pakistan's context is intricate and full of obstacles.

1. Global Framework for HRD Protection

International instruments like the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR) set groundwork principles for protection of HRDs. According to scholars like Nah (2017) and Carver et al. (2019), there is a global human rights structure that imposes both moral and legal duties on governments to provide a facilitating environment for HRDs. Notwithstanding this, implementation at the national level is often weak, especially in countries with authoritarian legacies or strong security establishments.

2. HRDs in South Asia and Pakistan

In the South Asian context, HRDs are confronted with shared challenges such as state surveillance, legal repression, backlash from society, and attacks by non-state actors (Amnesty International, 2021). In Pakistan, these dangers are compounded by a decades-long history of military control, fragile civilian institutions, and politicized law enforcement (Siddiqui, 2020). HRDs involved in sensitive topics like enforced disappearances, minority rights, or online freedom are particularly at risk. Reports by Human Rights Watch (2022) and the Human Rights Commission of Pakistan (HRCPP, 2021) chronicle many instances of threats, intimidation, and extrajudicial killings against HRDs.

3. Legal and Institutional Context

The Constitution of Pakistan affords some protection for freedom of speech, association, and equality (Articles 9, 14, 19, 25). Yet these rights are constantly restricted through overlapping legal



tools like the Blasphemy Laws, Anti-Terrorism Act (ATA), and Prevention of Electronic Crimes Act (PECA). Scholars such as Rehman (2018) and Shah (2020) contend that these legislations are selectively employed to silence dissent and muzzle HRDs. Moreover, Pakistan's absence of a specific HRD protection law deprives them of access to effective legal protection.

4. Gendered and Minority Experiences

Women Human Rights Defenders (WHRDs) in Pakistan experience gender-based violence, online harassment, and entrenched cultural resistance. Research conducted by Digital Rights Foundation (2022 and Aurat Foundation brings to light the ways in which women activists—particularly those working with movements such as Aurat March—are portrayed as being "anti-

Problem Statement

Pakistan has agreed to follow important international human rights rules, like the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Despite this, it's still very challenging for Human Rights Defenders (HRDs) in the country. Many people and groups, who work hard to protect civil rights, report abuses, or support marginalized communities, face a lot of risks. They are often threatened, harassed, jailed without cause, made to disappear, or even killed without any legal process.

There is no clear law in Pakistan to protect HRDs. Instead, laws like the Blasphemy Laws, the Anti-Terrorism Act (ATA), and the Prevention of Electronic Crimes Act (PECA) are sometimes used against them. This makes people afraid to speak up. Journalists, lawyers, women activists, and those who defend minority rights are especially in danger. They often face threats from both the government and other groups, with very little official protection.

The Constitution of Pakistan promises rights like life, dignity, free speech, and equality. But these rights are not always upheld. They are often ignored due to security issues or political reasons. The justice system, media, and police do not do a good job of holding those who harm HRDs accountable, and their attempts to provide justice are weak and affected by politics.

This study aims to highlight the pressing need to focus on the serious dangers HRDs in Pakistan face and to understand why current protection is lacking. Without urgent changes in laws and institutions, HRDs will remain at risk, which harms the larger struggle for democracy, rule of law, and human rights in Pakistan.

Significance of the Study

This research is important as it brings to the fore the systematic risks and challenges to Human Rights Defenders (HRDs) in Pakistan—a constituency critical to the protection of democratic values, rule of law, and social justice. With the space for civil society further diminishing in Pakistan, HRDs are increasingly targeted for their activities in revealing human rights abuses, advocating for marginalized groups, and holding those in power accountable.

By looking at the legal, institutional, and social environment in which HRDs work, this research helps to better understand the protection gap and the activities of state and non-state actors in undermining human rights activism. It also raises awareness about lesser-known threats that women HRDs, ethnic and religious minority defenders, and digital rights activists encounter.

The study will benefit policy makers, legal professionals, human rights groups, journalists, and scholars, providing well-informed recommendations for reforms and strategies that can make HRDs safer and more legitimate. Additionally, this work highlights Pakistan's duty to fulfill



international human rights obligations, promoting national and international discourse on the protection of defenders of others' rights.

Methodology

This qualitative case study approaches the issue of protection for Human Rights Defenders (HRDs) in Pakistan. The data will be gathered through semi-structured interviews of HRDs, journalists, lawyers, and civil society members as well as reading legal texts, human rights documents, and news articles. Participants will be purposively and snowball sampled to represent at-risk and diverse HRDs. Thematic analysis will be utilized in analyzing interview data, with legal frameworks reviewed against international human rights standards like the UN Declaration on HRDs, ICCPR, and UDHR. Ethical guidelines such as informed consent, anonymity, and confidentiality will be followed with utmost care to maintain participants' safety.

1. Legal Basis for the Defense of Human Rights Defenders in Pakistan

The country's legal environment in respect of human rights defenders (HRDs) in Pakistan is characterized by a basic contradiction. Although the Constitution and international instruments to which Pakistan is signatory provide essential civil liberties, the same are routinely eroded by oppressive local law, discriminatory enforcement, and complicity by institutions. This part analyzes Pakistan's constitutional protections, lists legal tools employed against HRDs, and criticizes the gap between international obligations and domestic legal practice.

1.1 Constitutional Promises and Their Deterioration in Practice

The Islamic Republic of Pakistan's Constitution promises a number of basic rights that are essential to the proper functioning of a free and active civil society. Of these, Article 9 guarantees the right to life and liberty, providing that "no person shall be deprived of life or liberty save in accordance with law." But in practice, this provision is routinely violated, most significantly through the extensive practice of enforced disappearances. The instance of Idris Khattak, a political activist and HRD who was forcibly disappeared in 2019 and later tried in a military court, shows the impunity with which state agencies sidestep constitutional guarantees (Amnesty International, 2023).

Likewise, Article 19 ensures the right to freedom of speech and expression, but this right is subject to "reasonable restrictions," a term that has been broadly interpreted to stifle dissenting voices. Laws like the Prevention of Electronic Crimes Act (PECA, 2016) have been used to prosecute digital activism and investigative reporting, shrinking the space for free expression. High-profile instances are the arrests and harassment of journalist Asad Toor and Waqas Goraya, a blog writer who was critical of state institutions (Human Rights Watch, 2022).

Article 25 insures equality under the law and equal protection but is regularly abused in the application of cases where religious minorities, women, and ethnic activists are involved. Blasphemy and sedition laws' prejudiced enforcement denies Pakistan's genuineness with regard to constitutional equality (HRCP, 2023).

1.2 Repressive Legal Tools and Their Use

Alongside constitutional uncertainties, a number of legislative tools have been used methodically to curtail civic space and punish HRDs. Of the most objectionable are the Anti-Terrorism Act (1997), PECA (2016), and the blasphemy laws, specifically Section 295-C of the Pakistan Penal Code.



The Anti-Terrorism Act was passed in order to curb violent extremism but has been generally used to extend to non-violent political actions. Activists of the Pashtun Tahafuz Movement (PTM) have commonly been arrested through its provisions on organizing peaceful rallies or criticizing military operations (Amnesty International, 2023).

The Prevention of Electronic Crimes Act, purportedly intended to tackle cybercrime, contains ambiguous and exceedingly wide provisions like criminalizing "defamation" and "propagation of false information." These provisions have been used to suppress online criticism of state policies. The Federal Investigation Agency (FIA) has become the most important institution to implement these provisions, usually in disregard of due process (Freedom Network, 2022).

Most probably the most dangerous legal tool employed against HRDs is the nation's blasphemy law, Section 295-C, which calls for the death penalty for profaning the name of the Prophet Muhammad. These laws are often used to settle personal scores or muzzle opposition. The assassination of human rights lawyer Rashid Rehman in 2014 after he accepted a blasphemy defense case is a prime example of the lethal dangers involved in handling such cases (FIDH, 2021).

1.3 International Commitments: Normative Aspirations vs Ground Realities

Pakistan is a signatory to various international human rights treaties that ensure the protection of civil liberties and the work of HRDs. These are the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention Against Torture (UNCAT). Furthermore, the UN Declaration on Human Rights Defenders (1998) enunciates the right of individuals to defend and support human rights and requires states to guarantee their protection and freedom.

In spite of such commitments, practice is predominantly symbolic. Though Pakistan ratified the ICCPR in 2010, it continues to limit freedom of expression, assembly, and association contrary to Articles 19, 21, and 22 of the Covenant. Routine recourse to criminal law against peaceful demonstrators and the censoring of dissident voices are direct violations of such obligations (UN Human Rights Council, 2022).

Likewise, ratification of the Convention Against Torture has not been followed by meaningful legal or institutional change. FIDH (2021) and Human Rights Watch (2022) reports underscore the continued prevalence of torture, especially in the hands of security forces, and the absence of mechanisms for holding perpetrators accountable.

In addition, the UN Declaration on Human Rights Defenders, although widely accepted internationally as a normative instrument, is largely non-existent in Pakistani legal terminology. No national law exists that formally recognizes or defends HRDs, which makes it easy for activists to be arbitrarily arrested, legally harassed, and subjected to extrajudicial violence (Front Line Defenders, 2023).

2. Principal Threats to Human Rights Defenders in Pakistan

In spite of Pakistan's constitutional assurances and international obligations to protect fundamental human rights, HRDs remain exposed to extreme and multi-faceted threats. These threats come both from state institutions and non-state actors, making it a situation where activism is criminalized, silenced, or forced underground. This section examines the systemic dangers confronting HRDs, with a focus on state repression, judicial harassment, and violence by non-state actors.



2.1 State Repression and Enforced Disappearances

One of the gravest threats facing HRDs in Pakistan is state repression, specifically through enforced disappearances—a tactic employed to intimidate, punish, and silence opposition. Security agencies, particularly the intelligence services, are usually implicated in these abuses, acting with minimal transparency or legal oversight.

A high-profile case is that of Idris Khattak, a human rights researcher working with Amnesty International and Human Rights Watch. He was forcibly disappeared in November 2019 and detained incommunicado for more than seven months. In 2021, he was convicted by a military court in a closed trial that disregarded fundamental due process rights and international fair trial standards (Amnesty International, 2022). The secrecy surrounding his case is part of a wider trend of impunity enjoyed by security institutions.

Ethnic minority HRDs, especially those belonging to Baloch and Pashtun communities, are disproportionately targeted. As per the UN Working Group on Enforced or Involuntary Disappearances (UN WGEID, 2022), over 2,000 cases of unresolved enforced disappearances have been documented, many of which concern activists and students who have been crusading for ethnic rights. Groups like the Pashtun Tahafuz Movement (PTM) have been particularly susceptible, with several of their leaders having been arbitrarily detained and subjected to surveillance for daring to question military excesses in the tribal zones.

The normalization of enforced disappearances not only violates Articles 9 and 10 of Pakistan's Constitution but also breaches international treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture, both ratified by Pakistan. Yet, systemic accountability for perpetrators remains absent.

2.2 Judicial Harassment and Legal Intimidation

Besides physical repression, the Pakistani state also utilizes judicial harassment to silence HRDs. Legal mechanisms like sedition, defamation, cybercrime legislation, and anti-terrorism laws are regularly used as tools of oppression to intimidate civic activism and impose a chilling effect.

For example, Ammar Ali Jan, an academic and political activist who lives in Lahore, was regularly charged with sedition for participating in peaceful demonstrations in support of education reform and students' rights. The persistent filing of case after case against him is indicative of the misuse of legal intimidation to deter activity in public discussion (Human Rights Watch, 2022).

A more extreme symptom of judicial collapse is seen in the murder of Rashid Rehman, a well-regarded human rights attorney who was shot dead in 2014 for defending a client charged with blasphemy in Multan. In spite of serious threats against his life—in openly made inside the courtroom—the state did nothing to offer him protection. A decade on, his assassins are still unprosecuted (HRCP, 2023). This not only signals impunity for such crimes but also deters other lawyers from defending controversial cases involving minority and blasphemy accusations.

2.3 Violence by Non-State Actors and Social Hostility

In addition to the explicit activities of the state, HRDs in Pakistan risk severe harm by non-state players such as militant groups, religious extremists, and politically motivated vigilantism. In an environment where there is at least a silence of acquiescence from the state, at least where those targeted are others that oppose hegemonic socio-political practices or state discourses.



Hamid Mir, a veteran journalist who works for Geo News, has survived numerous attempts on his life because he openly criticized the military's political interference and the abuses of human rights. For example, in 2014, he was shot six times in Karachi but continued to undergo pressure and censorship. His experience highlights the weakness of journalists working in high-risk situations with minimal protection from the state (Freedom Network, 2022).

Gulalai Ismail, an activist for women's rights and co-founder of Aware Girls, has also become the target of widespread persecution. She was charged with treason, put on the Exit Control List (ECL), and faced surveillance and raids after she spoke out against extrajudicial killings and for Pashtun rights. She left the country in 2019 and requested asylum in the United States. Her case showcases the dual risk faced by state agencies and radical forces labeling HRDs as "anti-national" or "foreign agents" (Front Line Defenders, 2023).

3. Ethnic and Minority Rights Defenders in Pakistan

Ethnic and religious minority rights defenders (MRDs) in Pakistan continue to fight for equality, inclusion, and social justice amidst intricate political, legal, and social issues. These HRDs, particularly from the Baloch, Sindhi, Ahmadi, Hindu, and Christian groups, are met with systematic hindrances in seeking to assert the rights enjoyed by all citizens through the Constitution of Pakistan as well as through Islamic teachings focusing on the dignity of all human beings and protection for minority communities (Zia, 2019; UN OHCHR, 2022).

3.1 Baloch and Sindhi Activists: Struggles for Rights and Recognition

Baloch activists of Balochistan and Sindh frequently demand enhanced cultural identity, political independence, and equal share in resources (HRCP, 2021). Their mobilization is then sometimes interpreted on national security concerns, resulting in tension with government institutions. Some demand regional freedom, while some others just urge constitutional rights as well as regional development prospects as part of the federation (International Crisis Group, 2022).

Under such circumstances, HRDs in these provinces frequently encounter difficulties like limited freedom of speech, denial of access to justice, and social stigmatization (Amnesty International, 2020). Relatives of disappeared persons and human rights activists have demanded open inquiries and peaceful engagement. Islam in its real form ensures the right to justice and equal treatment of all people without regard to their ethnicity or political views. The Qur'an instructs the believers to "stand out firmly for justice, as witnesses to Allah, even against yourselves" (Surah An-Nisa 4:135), a principle that highlights the moral responsibility to seek redress of the grievance using lawful and peaceful means.

3.2 Religious Minority Rights Defenders: Advocating Under Pressure

Pakistan's religious minorities—Ahmadis, Hindus, and Christians—are constitutionally protected and have traditionally enriched the social and cultural life of the nation (Article 20, Constitution of Pakistan, 1973). Nevertheless, human rights defenders from these groups who strive to promote interfaith understanding, legal reform, and human rights are occasionally discriminated against and misrepresented (USCIRF, 2023).

For instance, Ahmadi HRDs experience distinctive legal and social obstacles as a result of constitutional changes and particular legislation that limit their religious freedom (ICJ, 2015). Regardless of the limitations, most in the community still promote coexistence and mutual respect. The early history of Islam provides deeper examples of protection for religious minorities, as seen



in the Charter of Medina, which accorded Muslims and non-Muslims equal rights and duties (Lecker, 2004).

Christian and Hindu HRDs usually highlight concerns over property rights, protection against forced conversions, and social acceptance (HRCP, 2022). Although they work peacefully and based on constitutional rules, they can face opposition from both societal and institutional actors. The existence of Prophet Muhammad (PBUH) portrays a strong belief in the protection of the rights of minorities and the advancement of peaceful coexistence, such as in his treaties with non-Muslim tribes and teachings against compulsion in religion (Surah Al-Baqarah 2:256).

3.3 State Engagement and Reforms Required

State engagement with ethnic and religious minority HRDs has tended to be characterized by a security-centric approach (Amnesty International, 2021). Although national unity and sovereignty are legitimate interests, security must be balanced with the protection of human rights. The lack of institutional support and legal redress mechanisms for HRDs belonging to minority groups defies the vision of Pakistan's founders, who had imagined a plural society where all citizens would have equal rights (Jinnah's 11 August 1947 speech).

Islamic teachings preach the safeguarding of the weak, the oppressed, and the voiceless. The Prophet (PBUH) insisted on the support of the wronged, saying, "Help your brother, whether he is an oppressor or he is oppressed"—preventing tyranny and promoting justice (Sahih Bukhari, Hadith 2444). In this perspective, safeguarding HRDs, particularly those from minority groups, is not just in conformity with Pakistan's constitutional and international requirements but also within the moral and ethical framework of Islam.

4. Institutional Failures in Protecting Human Rights Defenders

While threats to HRDs in Pakistan are well documented, the institutions tasked with protecting them have consistently failed to respond with the required urgency or impartiality. This section critically examines the role of the judiciary, media, and national human rights institutions, highlighting their structural weaknesses, susceptibility to political pressure, and at times, direct complicity in abuses.

4.1 Judiciary: Complicit or Protective?

The Pakistani judiciary has a contradictory role to play in the human rights protection landscape. While, on the one hand, the Supreme Court has occasionally acted as a barrier to executive excesses. For instance, its suo motu notice of 2018 regarding enforced disappearances, where the Court recognized the magnitude of the phenomenon and called for reports from the security agencies (Supreme Court of Pakistan, 2018). Nonetheless, these interventions are inconsistent and seldom translate into persistent institutional reform or penalization of violators.

Even in the bulk of well-documented HRD cases, the judiciary has practiced complacency or subservience to the security apparatus. For example, for all the overwhelming public indignation, the court has so far not delivered a conviction for activist Sabeen Mahmud's assassination in 2015, putting to severe question the prosecutor's will as well as the independence of the judiciary (HRCP, 2023). In addition, the judiciary has often upheld charges on under controversial legislation such as sedition and PECA without critically examining their chilling effect on basic freedoms (International Commission of Jurists, 2022).



This trend of judicial inaction or selective activism has cultivated a culture where HRDs cannot dependably access redress through legal channels, undermining public confidence in the judiciary's capacity to serve as a safeguard against authoritarianism.

4.2 Media: Between Censorship and Courage

Pakistan's media culture has traditionally played an important role in highlighting human rights abuses, but it currently functions under ever-more stifling conditions. The Dawn Leaks scandal in 2016 illustrated how media houses are forced into following the establishment's agenda. After a story was published regarding civil-military tensions, senior editorial personnel at Dawn came under great pressure, and the author of the story, Cyril Almeida, was put on the Exit Control List (International Media Support, 2017) temporarily.

Journalists covering human rights abuses, military atrocities, or enforced disappearances are most at risk. Asad Toor, a critical commentary digital journalist, was attacked viciously in his Islamabad flat in 2021. Even with CCTV footage and extensive media reporting, the investigation has not made any substantial progress, indicating impunity for targetters of voices of dissent (Freedom Network, 2022). Likewise, media outlets experience frequent disruption, such as cable service suspension and advertisement income reduction, for broadcasting content considered anti-establishment.

Though some reporters and media still show courage, their capacity to enlighten citizens is more and more undermined by state censorship and the intangible red lines created by intelligence organizations.

4.3 National Human Rights Institutions (NHRIs)

The institutional framework of protection for human rights in Pakistan is complemented by the National Commission for Human Rights (NCHR) and several provincial-level institutions of human rights. Yet, these institutions continue to be persistently under-resourced, politically driven, and legally restricted.

The NCHR, set up by the NCHR Act of 2012, has the mandate to investigate human rights violations and suggest measures. However, it does not have prosecutorial authority, which hinders its ability to pursue perpetrators. In addition, the budgetary limitations and staff shortages of the Commission limit it from conducting in-depth investigations, particularly in distant or high-risk territories such as Balochistan and the erstwhile FATA areas (NCHR, 2021).

Provincial human rights offices are no better. These offices are underutilized, lack autonomy, and are ill-equipped to deal with sensitive cases against state actors in most provinces. In conflict zones such as Khyber Pakhtunkhwa and Balochistan, these institutions have little to no working presence, creating a protection gap for HRDs on the frontlines (FIDH, 2021).

Thus, the promise of institutional protection continues to be substantially illusory for the vast majority of HRDs, particularly those operating in rural, tribal, or minority populations.

5. Recommendations for Reform

The systemic risks to which human rights defenders (HRDs) in Pakistan are exposed call for far-reaching reforms that both correct structural flaws and address legal gaps. The following section sets out focused recommendations at three main levels: legislative reform, institutional strengthening, and international action.

5.1 Legal Reforms Needed



The current legal system in Pakistan has been systematically used to criminalize legitimate human rights activities. Reforms to these laws are key to establishing a secure environment for HRDs.

Repeal or amend the Prevention of Electronic Crimes Act (PECA) and Anti-Terrorism Act (ATA):

Both PECA (2016) and the ATA (1997) have excessively broad and vague clauses that have been employed to quell digital expression and criminalize peaceful protest. Opponents claim that PECA's Section 20 regarding "offenses against the dignity of a person" is used disproportionately against journalists and activists (International Commission of Jurists, 2022). Similarly, the ATA has been used to prosecute members of peaceful movements such as the Pashtun Tahafuz Movement (PTM), usually under the guise of national security (Amnesty International, 2023). Reforms in the law should prioritize limiting the use of these provisions to avoid exploitation.

Provide safeguards in blasphemy laws

Although laws on blasphemy (particularly Section 295-C of the Penal Code) are politically charged, procedural protection—such as prior judicial approval of arrests or evidence requirements—can check abuse. The killing of attorney Rashid Rehman and violence against those wrongly accused are testaments to the imperative for reform (HRCP, 2023).

Pass HRD-protection law.

Pakistan still needs to enact legislation affirming and protecting HRDs according to the UN Declaration on Human Rights Defenders (1998). A country legal framework ought to formally declare HRDs, guarantee their freedoms of expression, assembly, and association, and prescribe state obligations to protect them, including prompt response mechanisms for threats.

5.2 Institutional Improvements

Legal reform has to be backed by institutional capability and autonomy. The following is important:

Set up independent scrutiny of law enforcement and intelligence services:

The lack of checks on Pakistan's powerful security establishment has created impunity for enforced disappearances and torture (UN Working Group on Enforced Disappearances, 2022). Independent civilian oversight institutions with investigative authority and legal teeth are necessary to regain public confidence and accountability.

Enhance the National Commission for Human Rights (NCHR):

Despite its promise, the NCHR is presently handicapped by limited funds, absence of prosecutorial powers, and bureaucratic intervention. Its mandate needs to be broadened to enable proactive investigations, and it needs to be endowed with independent funding and regional outreach capabilities to effectively operate in provinces such as Balochistan and Khyber Pakhtunkhwa (NCHR, 2021; FIDH, 2021).

Establish fast-track judicial processes for HRD cases

Delays in the justice system pile on additional vulnerability for HRDs. Specialized courts or special judicial benches need to be created to give preference and speed up cases related to threats, violence, or criminalization of HRDs to provide quick legal remedies and deter frivolous or malicious prosecutions.

5.3 International Community Role



Since Pakistan's internal protection mechanisms are weak, international actors have a key role to play in protecting HRDs.

Impose targeted sanctions on abusers

Global organizations, such as the United Nations and the European Union, ought to penalize those engaged in HRD persecution, through instruments such as Magnitsky-style legislation that punishes human rights abuses via visa bans and asset freezes (Human Rights Watch, 2023).

Enable humanitarian visas and diplomatic asylum:

International and national governments need to develop simplified visa tracks and emergency asylum initiatives for HRDs facing urgent threat. The Gulalai Ismail situation, who had fled Pakistan as threatened with arrest and later was able to get asylum, illustrates the need for expedited international response mechanisms (Front Line Defenders, 2023).

Support donor-financed protection initiatives

Global donors need to increase funding for emergency protection interventions such as temporary displacement, legal aid, psychosocial support, and digital security education. Initiatives like ProtectDefenders.eu and the Shelter City program provide models that can be replicated in South Asia (ProtectDefenders.eu, 2022).

Conclusion

Human Rights Defenders (HRDs) in Pakistan work in a growingly hostile climate of intimidation, harassment, and violence by state and non-state actors. In spite of the existence of legal mechanisms which theoretically provide protection, these are infrequently implemented in practice. Rather, HRDs usually receive arbitrary arrests, defamation campaigns, and persecution through the law to muzzle voices and deter civic action.

The disparity between law and practice is part of a wider culture of impunity, where those responsible for abuse—particularly those with political or institutional support—infrequently face accountability. This institutionally ingrained failure discourages the rule of law but also encourages those who aim to suppress human rights activity.

Each of these challenges necessitates more than cosmetic changes. They need fundamental transformation of institutional culture, real political will to defend human rights, and strong protection mechanisms for civil society. International stakeholders must also act by exerting sustained pressure on the Pakistani state to fulfill its human rights commitments and back civil society actors who are on the frontline of advocacy.

Finally, the defense of HRDs is not merely to protect people—it is to defend the very concept of justice, accountability, and democratic freedom. Their bravery must be celebrated and encouraged, not proscribed.

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