

Pakistan: Asma Jahangir Human Rights Conference 2018

Human rights transcend cultures and nations

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The Asma Jahangir Conference 2018, centering on the theme 'Justice for Empowerment' concluded successfully on 17 October 2018.

A wide range of sessions were held, focusing on the protection of fundamental rights, justice for all and impunity for none, freedom of expression, and challenges to implementing rights legislation.

The conference resolved that the state must protect citizens' fundamental rights, lift the ban on non-government organizations and cease the harassment of human rights defenders. All political parties must have a new charter of democracy to set ground rules for protecting the democratic process – and the major political parties must take the lead in doing so. Judicial overreach must be checked, since it impinges on the constitutional role of other state institutions. The Supreme Court must consider formulating parameters for taking suo moto notice.

Freedom of expression must not be curtailed by the state and undeclared censorship of the print and electronic media must cease. Parliament must approve a new bill for the independence of PEMRA according to the recommendations of the Media Commission report.

The panelists noted that existing electoral laws had not been implemented in the 2018 general elections. There should be thorough accountability of the Election Commission of Pakistan and a performance report presented to Parliament. Cameras should be used during vote counts.

Pakistan must implement legislation to criminalize forced disappearances. The government must prevent the use of torture by adopting the 2014 bill passed by the Senate. The conference resolved that the Commission of Inquiry on Enforced Disappearances must prosecute the 153 identified officials responsible for enforced disappearances. The conference also resolved that there was a disproportionately large population of under-trial prisoners, which represented a deep flaw in the justice system.

Pakistan must revise the education syllabus to remove portions that discriminate against religious minorities. The state's appeasement of religious fundamentalism must end and the Christian minority must be protected in the face of new threats. Laws that discriminate against minorities must be abolished.

The law on sexual harassment against women in the workplace is not being implemented: there are hardly any cases under this act before the ombudspersons despite numerous women reporting sexual harassment. The law should be refined to introduce the crime of “sextortion” and sexual bribery as introduced in Bangladesh.

On transgender rights, the conference resolved that the Transgender Persons Act 2018 must be implemented in letter and spirit. It was recommended that a monitoring body for the implementation of current protection laws for the transgender community be established. Broad-based measures must be taken by the government, media, civil society, essential service providers and the education sector to increase awareness of transgender persons and their rights across society.

The conference resolved that visa-free policies must be introduced to reclaim solidarity among South Asian countries. The panel resolved that there was a need to revive the South Asian Association for Regional Cooperation, co-founded by Asma Jahangir, and demanded that the 18th SAARC summit be called immediately.

On gender equality, the conference resolved that, until women are treated equally by the law, gender equality cannot be achieved. This relates in particular to family laws and matrimonial property (hitherto an unknown concept in Pakistan), and maintenance and custody. While women legislators in Pakistan have worked very hard, there is still a glass ceiling for women in terms of decision making within political party structures. There is a need to change the way media portrays women in order to transform mindsets and attitudes regarding the role and status of women in society.

On constitutionalism and challenges to the 18th Amendment, the conference resolved that any attempts to roll back provincial autonomy and entitlements granted by the 18th Amendment as well as by the Constitution of 1973 generally, such as the National Finance Commission Award, must be resisted. Pakistani federalism must be based on cooperation between constitutionally autonomous provinces and empowerment of local governments. The role of the Parliamentary Committee in judicial appointments to the superior courts must be revived.

Pakistan should promulgate refugee laws. It also needs a survey on internal migration data and research. Pakistan should ratify the 1951 Refugee Convention and promulgate a refugee law. On the death penalty, there was clear consensus that the system does not provide due process of law and until this is in place, the death penalty will lead to irrevocable gross injustices.

The organizers committed to holding an annual conference to continue the mission of Asma Jahangir, who fought for human rights principles, which she believed transcended all cultures, government agendas and nations.

Participants listened to speeches from PPP chairperson Bilawal Bhutto Zardari, ANP leader

Afrasiab Khattak, federal minister for human rights Dr Shireen Mazari, and former speaker of the National Assembly Ayaz Sadiq. The conference was hosted by the Asma Jahangir Foundation and AGHS Legal Aid Cell.

Among the distinguished guest speakers were Chief Justice of Pakistan Mian Saqib Nisar, Chief Justice of the Lahore High Court Yawar Ali, former Prime Minister Shahid Khaqan Abbasi, Rana Maqbool (senator PML-N and former IG Punjab), I A Rehman (honorary spokesperson, HRCP), Farhatullah Babar (former senator, PPP), Akhter Hussein (advocate, Supreme Court), Dr Farooq Sattar (MQM), Shazia Marri (PPP), Bushra Gohar (ANP), Kamran Arif (KP vice-chair, HRCP), Pir Kaleem Khurshid (president, Supreme Court Bar Association), Anwar-ul-Haq Pannu (president, Lahore High Court Bar Association), Malik Arshad (president, Lahore Bar Association), Azam Nazir Tarar (former vice-chairman, Pakistan Bar Council), Ahsan Bhoon (former vice-chairman, Pakistan Bar Council), Abid Saqi (former president, Lahore High Court Bar Association), Justice Ali Baqar Najfi, Ali Ahmed Kurd (former president, Supreme Court Bar Association), Ali Zafar (former president, Supreme Court Bar Association), senior lawyer Salman Akram Raja, Farooq Tariq (spokesperson, Awami Workers Party), Ahmed Awais (Advocate General Punjab), Malik Rafique Rajwana (former Governor Punjab), Chaudhry Manzoor Ahmad (former parliamentarian) and Justice Shehram Sarwar, Peter Jacob (executive director, Centre for Social Justice), and Jakhongir Khaydarov (UNDP Pakistan).

Ambassadors from various countries attended the conference, including HE Jean Francois Cautain (head of the European Union Delegation), HE Koebler (Germany), HE Ingrid Johansson (Sweden), HE Margaret Adamson (Australia) and HE Ajay Bisaria (India). Among international guests who travelled to attend the conference were the Hon. Michael Kirby AC CMG (former justice of the High Court of Australia), Kirsty Brimelow QC (chair of the Human Rights Bar Committee, England and Wales), HE Annika Ben David (Sweden's Ambassador at Large for Human Rights, Democracy and the Rule of Law), Kamla Bhasin (Indian poet and activist) and Dr Nimalka Fernando (attorney and women's rights activist, Sri Lanka).

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