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Issue Brief

(Views expressed in the brief are those of the author, and do not represent those of ISSI)

EU Parliament Resolution Misinterprets Human Rights Situation in Pakistan

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In a resolution passed on June 15, 2017 the European Parliament has criticised Pakistan for “an alarming rate of executions” and for breaching international law while violating the human rights. It has urged the Pakistani government to prevent the misuse of “blasphemy law” as a political tool against political dissidents. The resolution has also questioned the authenticity of the trials being carried out by the Pakistani courts and the strength of the civil judiciary.

While speaking at the plenary session, Ms. Neena Gill, the British member of the European Parliament even disapproved the GSP+ status granted to Pakistan. The prerequisites for GSP+ include implementation of 27 international human rights conventions, and an obligation by Pakistan to take a cautious approach in this regard.¹ According to Ms. Gill, “It is high time to see real progress on human rights and strengthening of the civil judiciary in Pakistan. If not, GSP+ has to be reviewed.”² The Parliament in its resolution adopted by the majority has also demanded from the Government of Pakistan to restore the moratorium on the death penalty, “with the longer-term objective of full abolition of the death penalty.”³ It has also urged the Government of Pakistan to bring the provisions on death penalty in the national legislation in line with the international law and standards, including “a halt to executions for any offence other than intentional killing.” Further, apprehensions have also been expressed by the European Union (EU) on the mechanism of appeal. The military courts that can try civilians were reinstated in Pakistan in March 2017.

The blame has ironically resonated with the help of proactive diplomacy and xenophobic trick of India to help out its Research and Analysis Wing (RAW) agent, Kulbhusan Jadhav, sentenced to death by a military court in Pakistan on April 10, 2017 over spying and stoking violence in Balochistan and Karachi. Jadhav has also admitted that he was provided a defence counsel during his case before the

¹ “Implementation of 27 International Conventions: only Criteria for Pakistan,” January 1, 2017, *European Union External Action*, eeas.europa.eu

² IANS, “European Parliament Condemns Human Rights Situation in Pakistan,” *Business Standard*, June 15, 2017. www.Business-standard.com

³ *Ibid.*

Field General Court Martial, discrediting India's claim that the (RAW) agent was not allowed the due process. He has appealed the President of Pakistan for clemency.⁴

After having exhausted nearly all its resources in doing so, New Delhi approached the International Court of Justice (ICJ) in the end of April and got a stay over the execution of the death penalty in May, 2017.

In fact, India itself is completely glossing over the atrocities being carried out by its security personnel in Indian Occupied Kashmir (IOK) while refuting the UN Security Council Resolutions. Similarly, Swaraj's reference to the insurgency in Balochistan is also a blatant antithesis of the principles enshrined in the United Nations Charter and the international norms. According to a report by the International Peoples' Tribunal on Human Rights and Justice in Kashmir and the Association of Parents of Disappeared Persons (APDP), between 1990 and 2014, there have been more than 900 individuals from the Indian security forces, who have brutally violated human rights. They include 150 officers of the rank of major and above."⁵ The irony of ignoring the Indian violations and promotion of mercantile relationships for geo-economic preferences is continuing at international forums.

In his response to the European Parliament's resolution, the Attorney General of Pakistan, Mr. Ashtar Ausaf Ali, as head of the Treaty Implementation Cell of Pakistan, said that "the law of Pakistan on death penalty should be respected by all countries, including the European Union."⁶ Currently, there are about 27 crimes that are punishable by death in Pakistan, including non-lethal acts such as narcotics and adultery. He resolutely condemned the disinformation being spread to hurt the standing of Pakistan in the international community.

Pakistan has ratified a number of international human rights treaties – including the Convention against Torture. It is also a signatory to the International Covenant on Civil and Political Rights (ICCPR) to qualify for its GSP+ status. Pakistan had recently established a national institute for human rights and the national commission on minorities has also been strengthened. In fact, Pakistan was a candidate for the Human Rights Council for the period 2018-2020, and looked forward to strengthening its

⁴ "Kulbhushan Jadhav's Second Confessional Video: Full text," *The Indian Express*, June 22, 2017. Indianexpress.com

⁵ Jason Burke, "Indian forces in Kashmir accused of human rights abuses cover-up", *the Guardian*, September 12, 2015.

⁶ Hasnat Malik, "Pakistan concerned over EU resolution blocking death penalty", *The Express Tribune*, June 18, 2017. tribune.com.pk

relationship with the Council. Pakistan's commitment to freedom of expression can be seen in the existence of hundreds of television channels and scores of newspapers operating with complete freedom. Women in Pakistan hold prominent positions, including as ambassadors and women legislators are playing an important role in promoting the rights of women. While carrying out counter-terrorism operations, law enforcement agencies adhered to Pakistan's domestic laws, as well as its international human rights obligations.

EU parliament, which has largely emphasised on integration while seeking common interests in its intra-regional relations, is expected not to fall prey to the xenophobic tactics of India. It is expected to recall the UN resolution 2734 (XXV) of December 16, 1970, which contains the Declaration on the Strengthening of International Security, and its resolution 2131 (XX) of December 21, 1965, containing the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty.

The discriminatory content of the resolution passed by the European Parliament ostensibly displays injustice. It encourages diplomatic manipulation by a privileged state in the region thereby, denying any regional integration while promoting instability. The prejudice towards the sovereign status of Pakistan granted by the UN resolutions is regrettably noticeable.

The judicial system in Pakistan also takes the resolution as a violation of its internal affairs. Moreover, it is also impertinence towards Pakistani laws generally being constituted by the parliament as a democratic state.