



# Asian Federation Against Involuntary Disappearances

A world without *desaparecidos*



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## AFAD Statement on Pakistan's 27th Amendment, Shrinking Civic Space, and the Challenge for Human Rights Defenders (HRDs)

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The **27th Constitutional Amendment (PCA)** proposes sweeping changes to Pakistan's political and institutional framework. It will restructure Article 243 to create a new position for the Chief of Defence Forces (CDF), granting the army chief overarching command over all military branches and abolishing the post of the Chairman Joint Chiefs of Staff Committee<sup>1</sup>. **The amendment also confers lifetime criminal immunity upon five-star officers, allowing them to retain their rank, privileges, and uniform indefinitely.** Parallel changes would establish a Federal Constitutional Court (FCC), a new judicial body with authority to adjudicate constitutional matters, thereby reducing the Supreme Court to an appellate forum. Finally, the amendment enables the executive to transfer judges between high courts without their consent, setting an alarming precedent that threatens judicial independence<sup>2</sup>. Following the enactment of the 27th Constitutional Amendment, Supreme Court Justices Syed Mansoor Ali Shah and Athar Minallah resigned in protest, a move now joined by Lahore High Court's Justice Shams Mehmood Mirza, who became the first high court judge to step down over the contentious law<sup>3</sup>. In parallel, opposition parties and several civil society organizations have begun protesting and publicly raising alarm over the amendment's far-reaching implications, further intensifying nationwide debate and concern.

### Impact on Civic Space and Human Rights Defenders

The 27th Amendment will further entrench impunity and restrict avenues for accountability, conditions already enabling **enforced disappearances** and other human rights violations. By constitutionalizing immunity for unelected power holders, it shields the military and security institutions long implicated in disappearance cases from judicial oversight. HRDs who are already facing surveillance, intimidation, and criminalization will lose critical judicial allies in pursuing justice for victims of enforced disappearances, torture, and state violence. The transformation of the judiciary into a politically influenced institution would further erode access to remedy, closing off the courts as spaces for redress and reinforcing a culture of impunity. As *Dawn's* editorial warns, the notion of lifetime immunity "flies in the face of the social contract" and represents "absolute impunity" incompatible with democracy and justice<sup>4</sup>.

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<sup>1</sup> Hussain, A. (2025, November 11). *How would Pakistan's 27th Amendment reshape its military and courts?* Al Jazeera.

<sup>2</sup> News Desk. (2025, November 12). *NA continues debate on 27th Amendment; Attaullah Tarar castigates opposition over 'selective memory'*. Dawn.

<sup>3</sup> Sheikh, W. A. (2025, November 15). *Justice Shams Mehmood Mirza resigns from LHC following 27th Amendment*. Dawn.

<sup>4</sup> Editorial Board. (2025, November 11). *Absolute impunity*. Dawn.



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## Call to Action

1. **Reject lifetime immunity provisions** that shield officials from accountability. No state actor should be above the law.
2. **Safeguard judicial independence** by ensuring that the Supreme Court retains its full constitutional role and that judicial transfers require consent and due process.
3. **Engage civil society and legal experts** in transparent, participatory consultation before enacting constitutional changes.
4. **Adopt a Human Rights Defenders Protection Act** aligned with the UN Declaration on Human Rights Defenders, guaranteeing protection from reprisals and ensuring legal aid for those targeted.
5. **Reinforce civilian oversight mechanisms** over security and intelligence institutions to prevent abuse of power and restore public trust.

The 27th Amendment represents more than a legal revision: it signals a structural shift toward institutionalized impunity and militarization of governance. Pakistan's democratic integrity depends on rejecting this trajectory and reaffirming the rule of law, equality before the law, and the protection of all those who defend human rights and civic freedoms.

The Asian Federation Against Involuntary Disappearances (AFAD) expresses grave concern over this development, as it undermines the rule of law and endangers those defending victims of enforced disappearances. AFAD urges Pakistan's leadership to halt the amendment's passage, uphold judicial independence, and protect civic space so that human rights defenders can continue their work without fear or repression.



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1. Hussain, A. (2025, November 11). *How would Pakistan's 27th Amendment reshape its military and courts?* Al Jazeera. <https://www.aljazeera.com/news/2025/11/11/how-would-pakistans-27th-amendment-reshape-its-military-and-courts>
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3. Editorial Board. (2025, November 11). *Absolute impunity.* Dawn. <https://www.dawn.com/news/1954421>
4. Sheikh, W. A. (2025, November 15). *Justice Shams Mehmood Mirza resigns from LHC following 27th Amendment.* Dawn. <https://www.dawn.com/news/1955240>