



## **CSOs' Report**

### **A Mid-term Assessment of Implementation**

## **PAKISTAN**

### **Third Cycle Universal Periodic Review**

**Reporting Period: November 2017 - November 2020**

**Submitted to:**

**Human Rights Council's Working Group on Universal Periodic Review**

**Submitted by:**

**Association of Women for Awareness and Motivation**  
**on behalf of civil society organizations in Pakistan**

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**Title:**                   **Off Target  
CSOs' Report  
A Mid-term Assessment of Pakistan's Compliance with UPR Recommendations**

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**Association of Women for Awareness and Motivation** is a Pakistan based NGO that works for the promotion and protection of human rights of disadvantaged groups with particular focus on advancing religious freedom, and empowering women and persons with disabilities in Pakistan. Its website is accessible at: [www.awampk.org](http://www.awampk.org), while its staff is reachable by E-mail: [contact@awampk.org](mailto:contact@awampk.org)

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## DEDICATION

**This report is dedicated to all those girls from religious minorities who are subjected to forced conversion, forced marriage and sexual abuse.**



**A survivor of forced conversion and forced marriage, Charlotte Javed, accompanying her family, demands legal safeguards against forced conversions in Pakistan.**

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**Summary of assessment:**

Pakistan's third-cycle Universal Periodic Review (UPR) was undertaken during 28<sup>th</sup> session of the Working Group on UPR held on **13 November 2017** while its outcome report was adopted by the Human Rights Council on **19 March 2018** at Geneva. During the review, UN member states addressed 289 recommendations to the Government of Pakistan (GoP). Of these, 168 recommendations were supported, 117 were noted, and four were rejected by Pakistan.

This CSOs mid-term report focuses particularly on assessing Pakistan's progress against 138 recommendations, both supported and noted, by the Government of Pakistan (GoP) and provides analysis of the concrete actions undertaken to address the human rights issues of concern, and to measure the extent to which GoP fared in implementing UPR recommendations during the last three years i.e. from November 2017 to November 2020. The recommendations specific to the situation of religious freedom and minority rights, gender based violence and women's rights, national human rights institutions, and action plan on human rights are selected for response on their status of implementation.

CSOs note with concern that GoP has neither taken a comprehensive and coordinated approach to implementation of UPR recommendation, nor has responded to a letter<sup>2</sup> by the High Commissioner for Human Rights addressed to the Minister of Foreign Affairs of Pakistan, that asked GoP for strengthening participation of women and minorities in public affairs, adopting Christian marriage laws, adopting anti-discrimination legislation, curbing hate crimes, reforming blasphemy laws, and preventing forced marriage and conversion of religious minorities, and combatting violence against women and minorities, and strengthening criminal justice system.

Till 30 November 2020, Pakistan has not submitted its initial UPR mid-term report, stating a change in its position on recommendations, and providing progress on the implementation status of recommendations despite the High Commissioner for Human Rights strongly encouraged Pakistan to submit a mid-term report for the third cycle by 2020.

CSOs assessment has found that GoP's progress in meeting its stated commitment towards safeguarding human rights of minorities and women has been disappointing at the mid-term phase of Pakistan's 3<sup>rd</sup> cycle UPR. GoP's three-years performance in implementing UPR recommendations remained far from being sufficient as a large majority of the select 138 recommendations have not been implemented. CSOs note with grave concern that Pakistan did not accept a number of critical recommendations, for instance, 15 recommendations asking for the review of blasphemy laws, 2 recommendations asking for the legal protection against forced conversion remained noted and unimplemented. While, GoP's failure to implement many of the accepted recommendations related to the equality and non-discrimination, right to education, religious freedom, gender based violence, national action plan for human rights, and national human rights institutions, is equally worrying.

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<sup>2</sup> <https://lib.ohchr.org/HRBodies/UPR/Documents/Session28/PK/PakistanHCLetter.pdf>

Pakistan has been re-elected to serve at the Human Rights Council for next three-years term, and has made voluntary pledges and commitments to continue to implement, and follow-up on the recommendations from the UPR mechanism, therefore, CSOs recommends on the principle that GoP should submit its initial mid-term report to the working group on UPR, and ought to take effective measures to implement UPR recommendations, both accepted and noted, which press GOP for protecting religious freedom and minority rights, as well as safeguarding gender equality and women's rights. CSOs further recommends that GoP must consult and cooperate with CSOs for formulating an implementation action plan, and adopting effective measures ahead of its national report for the next review due in 2022, leading to Pakistan's participation in the 4<sup>th</sup> cycle of UPR with improved human rights record to avoid embarrassment.

This submission was prepared by Suneel Malik on the initiation of Association of Women for Awareness and Motivation. In order to prepare this UPR mid-term report, advocates of human rights with expertise in the themes in focus held deliberations to discuss implementation and provided input to the report. During the consultative exercise, they assessed Pakistan's progress towards UPR recommendations, and studied relevant research reports and documents for data gathering, and finally commented on the status of implementation of recommendations, both supported and noted, by the GoP.

The table provides an overview of the level of implementation of recommendations, supplemented with substantive information as to what actions had been taken by the GoP, while color-coding is used, each represents a different status of implementation which reflects the realities on the ground, for instance, **[green]** denotes the recommendation has been fully implemented; **[orange]** denotes some progress has been made, and **[red]** denotes no progress or recommendation has been unimplemented.

Theme: Action plan and policy framework on human rights	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.41 Continue to implement its commitments on the promotion of human rights (Libya);	1. GoP has not effectively complied with its obligations and commitments to uphold human rights.
152.58 Continue its efforts to implement the national Action Plan for Human Rights (Sudan);	2. GoP has not effectively implemented National Action Plan for Human Rights (NAPHR) <sup>3</sup> in letter and spirit, as the majority of measures pledged in 2016 had not been introduced till November 2020. 3. GoP has failed to design and launch public awareness and advocacy campaigns through media (TV & radio) on human rights issues in general and on the women and minorities rights in particular for behavior change in the society despite it was pledged in NAPHR.
152.59 Continue to take steps to implement the national Action Plan for Human Rights (Sri Lanka);	
152.60 Strengthen awareness-raising and implementation of the national Action Plan for Human Rights (Ethiopia);	

<sup>3</sup> National Action Plan for Human Rights 2016, available at <http://www.mohr.gov.pk/SiteImage/Misc/files/APBL.pdf>

<p>152.61 Pursue the successful implementation of the national Action Plan for Human Rights and Vision 2025, which are in line with the Sustainable Development Goals (Bolivarian Republic of Venezuela);</p>	<p>4. A strategy to promote tolerance and interfaith harmony is yet to be introduced. Although interfaith harmony committees at the district level are notified, yet they are neither functional, nor their members have adequate capacity to deal with issues relating to tensions involving religions.</p> <p>5. The quota for minorities is not properly implemented. Of total 581240 Federal Government employees in 2017-2018, 2.8% or 16,711 were non-Muslim with 15069 (90.17%) Christians, 248 (1.48%) Ahmadis, 1080 (6.46%) Hindus (caste), 214 (1.28%) Hindus (Scheduled/ non-caste), 15 (0.09%) Sikhs and 85 (0.51%) belonging to the other non-Muslim religions. The data reveals that 80.19% of non-Muslims with BPS 1-4 were serving on menial jobs in federal government departments and ministries during 2011 and 2016<sup>4</sup>.</p> <p>6. National policy guidelines and national plan of action for promotion and protection of minority rights pledged in NAPHR is yet to be formulated.</p> <p>7. CSOs note that GoP has failed to set the legal age of marriage to 18 years for both men and women in Islamabad and all provinces. It has also failed to table Christian Marriage and Divorce Bill, 2019 in the parliament for reforming Christian family laws in accordance with human rights standards, and judgments passed in cases such as; Ameen Masih Vs. Federation of Pakistan<sup>5</sup> and Rev. Shahid Meraj Vs. The State<sup>6</sup>.</p>
<p>152.62 Make greater efforts to implement the national Action Plan for Human Rights and the national policy framework on human rights (Bhutan);</p>	<p>8. GoP has not introduced the National Policy Framework on Human Rights, despite it was pledged in NAPHR, issued in 2016.</p>
<p>152.63 Finalize the national policy framework on human rights, in consultation with stakeholders (Sri Lanka);</p>	<p>9. CSOs note that a joint committee comprising of government and civil society stakeholders has not been set up that may have a mandate to identify gaps and review discriminatory laws to bring them in conformity with international commitments.</p>
<p>152.64 Continue the implementation of the national Action Plan for Human Rights, and finalize the draft national policy framework on human rights (Indonesia);</p>	

<sup>4</sup> CSJ's study A long wait for Justice, June 2019

<sup>5</sup> PLD 2017 Lahore 610

<sup>6</sup> PLD 2019 SC 280

<p>152.65 Implement the national Action Plan for Human Rights and the national policy framework on human rights referred to in chapter XII of the national report (United Arab Emirates);</p>	<p>10. GoP has not formulated policy guidelines on gender based violence despite it was pledged in in NAPHR.</p> <p>11. GoP has failed to launch Model Program, engaging men to eliminate gender based violence despite it was promised in NAPHR.</p> <p>12. It claims to have conducted research on Men's perception of gender based violence, and have developed a policy on violence against women, and have developed a policy on empowerment of women, however, the draft of these documents are unavailable.</p>
<b>Theme: National Human Rights Institutions (NHRIs)</b>	
<b>Recommendations (Status: supported / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
<p>152.50 Fully staff and fund the national human rights institutions outlined in its Action Plan for Human Rights in order to better collect and analyse disaggregated data in support of laws, policies and safeguards related to women and girls (Canada);</p>	<p>13. The human rights institutions face challenges for lack of adequate human and financial resources. The commissions' functionality suffer from prolonged delays for approval in appointments of chairpersons / members and recruitment of staff, on the part of GoP. The failure to appoint human resource to commissions in a timely manner renders institutions dysfunctional for long periods, impeding effectiveness and continuity.</p>
<p>152.51 Continue efforts to enhance the operational effectiveness of its national human rights institutions as well as strengthen activities to promote education and awareness of human rights (Bhutan);</p>	<p>14. CSOs observe that the recent appointments are not made on merit in institutions on women rights, child rights and minority rights, as a few of their members lack expertise and background in human rights, and they have a direct affiliation with the political parties in power in the centre and provinces.</p> <p>15. CSOs note that there is a deliberate effort by the government to keep human rights institutions dysfunctional. The federal and provincial governments have not given any priority to new appointments to human rights institutions that investigate human rights abuses in the country. The indifferent approach disrupts the momentum and continuity of NHRIs.</p>

<p>152.52 Further enhance the operational effectiveness of the national human rights institutions in accordance with their mandates through the provision of adequate human and financial resources (South Africa);</p>	<p>16. National Commission for Human Rights (NCHR) is dormant since June 2019 owing to pending appointments of its chairperson and members.</p> <p>17. National Commission on Status of Women (NCSW) remained dysfunctional for a year now. GoP appointed twelve members to serve as members of NCSW in June 2020 without the appointment of a chairperson, though tenure of its proceeding chairperson and members expired in October 2019.<sup>7</sup></p> <p>18. National Commission on the Rights of Child (NCRC) is constituted<sup>8</sup> in February 2020 over two and a half years after passage of NCRC Act in September 2017<sup>9</sup>. However, GoP has not provided NCRC with human, financial and administrative resources, which hinders to let it function effectively. GoP has not paid a salary to its members serving for over six months now.</p> <p>19. National Commission for Minorities is the only body established<sup>10</sup> through an executive order, without taking the National Assembly and Senate into confidence. GoP has failed to introduce enactment giving minorities commission the status of a statutory body, equipped with adequate financial and human resources despite it was promised in NAPHR.</p>
<p>152.55 Step up measures to strengthen the work of local human rights institutions, including the National Commission for Human Rights, the National Commission on the Status of Women and the National Commission for Minorities (Saudi Arabia);</p>	<p>20. The arbitrary process employed for the formation of National Commission for Minorities is a blatant deviation from the procedure adopted for setting up other commissions mandated to safeguard human rights, women's rights, and child rights in Pakistan which were constituted through an act of parliament.</p>
<p>152.46 Continue its current approach on consolidation of human rights institutions (Kuwait);</p>	<p>21. GoP has failed to enact a law for constituting an autonomous statutory National Commission for Minorities, despite a bill presented by the one-man commission<sup>11</sup> was available with the government for consideration. The minorities' commission established under the Federal Ministry for Religious Affairs and Interfaith Harmony, lacks independence guaranteed by law, autonomy from Government, mandate and competence, adequate resources and powers.</p>
<p>152.47 Continue strengthening the operational efficiency of various human rights institutions (Morocco);</p>	

<sup>7</sup> Ministry of Human Rights, Notification No. 2(7)/2012-DD (Dev) dated 9 June 2020

<sup>8</sup> Ministry of Human Rights, Notification No. 1-1/2013-NCCWD dated 28 February 2020.

<sup>9</sup> National Commission on Child Rights Act 2017, available at: [http://na.gov.pk/uploads/documents/1510753806\\_983.pdf](http://na.gov.pk/uploads/documents/1510753806_983.pdf)

<sup>10</sup> Ministry of Religious Affairs & Interfaith Harmony, Notification No. F.5(2)/2011-M dated 11 May 2020.

<sup>11</sup> One-man commission headed by Dr. Shoaib Suddle is established by the Supreme Court of Pakistan to oversee the implementation of Judgment (SMC 1/2014 etc.) passed on 19 June 2014.



<p>152.48 Give continuity to the strengthening of the national human rights institutions (Nepal);</p>	<p>22. GoP has failed to strengthen human rights institutions, as National Commission for Human Rights (NCHR) is dormant for 18 months now, National Commission on Status of Women (NCSW) remained dysfunctional for several months owing to pending appointments of its members. However, NCSW's chairperson has not been appointed till the submission of this report.</p>
<p>152.57 Strengthen the national and provincial commissions on the status of women through increased funding and support, given the importance of this issue (Philippines);</p>	<p>23. National Commission on the Status of Women (NCSW) and Provincial Commissions of Khyber Pakhtunkhwa, Punjab and Sindh all face challenges to their autonomy and thus effective functioning; the Balochistan Commission has failed to materialize despite being notified.<sup>12</sup></p> <p>24. Financial Rules for Punjab and Sindh provincial commissions, that would ensure financial autonomy, have still not been approved including the creation of a fund for NCSW and PCSW, and opening of separate bank accounts.</p> <p>25. Punjab Commission is dormant for over a year as its Chairperson was arbitrarily terminated prematurely in May 2019 in violation to procedures given in the law. The members have not been appointed since the expiration of their term in March 2018, indicating political interference and lack of priority given to women's empowerment.</p> <p>26. NCSW remained dysfunctional since its members and chairperson's completed their term in October 2019. The GoP violated the time frame set at one month for the next appointments according to the NCSW Act, 2012. Although, GoP appointed twelve members at NCSW for a term of three years, in June 2020, yet it will remain ineffective and inoperative without the appointment of a Chairperson, whose approval is must to run administrative and financial matters.</p>

<sup>12</sup> Unmet Promises, CSOs Alternative Report on CEDAW, 2020

<p>152.56 Increase the level of funding of the National Commission on the Status of Women, in order for it to better protect and promote the rights of women (Croatia);</p>	<p>27. CSOs note that inordinate delays in approving NCSW Service and Financial Rules impede appointments of competent technical and administrative staff. The Khyber Pakhtunkhwa and Sindh Commissions lack autonomy as the Chairperson is not the Principal Accounting Officer; autonomy of all provincial CSWs is reduced by Women Development Departments prior to vetting of all financial matters, research reports, etc.<sup>13</sup></p> <p>28. The CEDAW Committee remained extremely concerned about the lack of capacity and resources allocated to the provincial women's commissions and the women's development departments, and urged GoP to take concrete measures to ensure that national and provincial institutions have adequate human, technical and financial resources to fulfill their mandate for women's advancement, and NCSW is fully equipped to effectively coordinate and oversee the formulation and implementation of gender equality policies and programmes.<sup>14</sup></p>
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<sup>13</sup> Pakistan's CSOs Alternative Report on CEDAW, 2020

<sup>14</sup> CEDAW concluding observation 2020, CEDAW/C/PAK/CO/5, Para 21-22

<p>152.45 Strengthen the role and effectiveness of the Ministry of Human Rights and the National Commission for Human Rights, in accordance with international human rights standards (State of Palestine);</p>	<p>29. National Commission for Human Rights (NCHR) has been facing administrative and financial issues ever since it was established in 2015.<sup>15</sup> NCHR lacks competent human rights and technical experts that prevent it from fully implementing its mandate and effectively promoting human rights.<sup>16</sup></p> <p>30. NCHR faced financial constraints owing to the limited budget that hinders its performance. According to the NCHR Act, 2012, it is accountable to the Parliament, not the Government, but the Ministry of Human Rights designs and approves its budget without consulting NCHR.<sup>17</sup></p> <p>31. Ministry of Human Rights interferes in the NCHR's affairs by asking for numerous approvals. Despite holding the legal power to investigate human rights violations, NCHR, in practice, always has to seek prior permission from the Government before embarking on visits.<sup>18</sup> Seeking approvals from the Ministry for administrative matters such as recruitment, visits to jail / detention centre, visits to foreign countries for representing NCHR in forums or meetings etc. remains a bureaucratic bottleneck that impede NCHR to carry out its work and undermine its independence and autonomy.<sup>19</sup></p>
<p>152.49 Take all the necessary measures to ensure that the National Commission for Human Rights is in line with the Paris Principles (Portugal);</p> <p>152.53 Adjust the mandate and responsibilities of the National Commission for Human Rights in accordance with the Paris Principles and provide it with sufficient financial resources to carry out its activities effectively (Guatemala);</p>	<p>32. CSOs note that GoP has failed to meet the UN Paris Principles that require national human rights institutions to be legitimate, credible and effective in safeguarding human rights. It is observed that the NCHR Act, 2012 had not been complied with for the following reasons: (a) the NCHR fund was never established; (b) The Employees' Service Rules and accounting procedures have not been framed; (c) no action has been taken to establish the Human Rights Courts specified under the Act and no special prosecutor appointed, depriving citizens of the benefits of the courts.<sup>20</sup></p>

<sup>15</sup> ANNI Report 2018, available at: [https://www.forum-asia.org/uploads/wp/2018/12/2018\\_ANNI-Report\\_FINAL.pdf](https://www.forum-asia.org/uploads/wp/2018/12/2018_ANNI-Report_FINAL.pdf).

<sup>16</sup> ANNI Report 2019, Page 131, available at: <https://www.forum-asia.org/uploads/wp/2019/10/3.0-Online-ANNI-Report-2019.pdf>

<sup>17</sup> ANNI Report 2019, Page 130

<sup>18</sup> ANNI Report 2019, Page 133

<sup>19</sup> Ibid

<sup>20</sup> NCHR Audit Report, January 2019, available at: <https://nchr.gov.pk/wp-content/uploads/2019/12/18-19.pdf>

<p>152.54 Enhance the independence and effectiveness of the National Commission for Human Rights through provision of adequate human and financial resources (Indonesia);</p>	<p>33. The CEDAW Committee expressed grave concerns over the lack of NCHR's compliance with the Paris Principles, and urged the state party to (a) ensure NCHR's full conformity with the UN Paris Principles, (b) strengthen NCHR's mandate to investigate complaints about violations of women's rights, (c) provide adequate human and financial resources, (d) seek NCHR's accreditation from the Global Alliance of National Human Rights Institutions (GANHRI).<sup>21</sup></p>
Theme: National Commission for Minorities	
Recommendations (Status: Noted / unimplemented)	Assessment/comments on level of implementation
<p>152.184 Strengthen the protection of minorities by having a fully inclusive electoral roll without discrimination or religious bias and by establishing an independent National Commission for Minorities from all faith communities, which should appoint its own representatives (United Kingdom of Great Britain and Northern Ireland);</p>	<p>34. CSOs note that GoP has passed Elections Act 2017, and developed an inclusive electoral roll having Muslim and Non-Muslim voters together in the list except Ahmadi voters who continue to appear on a separate voters' list.</p> <p>35. CSOs note that GoP has failed to establish a statutory commission for minorities, as well as ensuring the neutrality of its Chairperson and members, to enable a non-partisan approach to oversight and accountability. A sham minorities rights body established under a Federal Ministry of Religious Affairs and Interfaith Harmony has included representation of religious and political actors from Muslim, Christian, Hindu and Sikh communities, but membership from Baha'i and Ahmadiyya communities is not considered.</p> <p>36. CSOs note with concern that GoP's decision to exclude Ahmadis from the minorities commission was lauded by the provincial assembly of Punjab through adopting a resolution, recommending their conditional inclusion in the minorities body after top Ahmadi leadership proclaims the status of their community as Non-Muslims as envisaged in the constitution of Pakistan<sup>22</sup>, which is a renunciation of their faith in a logical sense.</p> <p>37. CSOs observe that the Islamabad High Court rejected a petition that challenged the government's decision of not including Ahmadis as Non-Muslim in minorities commission, terming it as non-maintainable.<sup>23</sup></p>

<sup>21</sup> CEDAW concluding observation 2020, CEDAW/C/PAK/CO/5, Para 23-24

<sup>22</sup> <https://www.dawn.com/news/1556677/punjab-assembly-resolution-for-conditional-inclusion-of-ahmadis-in-minorities-commission>

<sup>23</sup> <https://nation.com.pk/05-Jun-2020/ihc-rejects-petition-to-include-ahmadis-in-nem>

Theme: Equality and non-discrimination	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.75 Maintain efforts to protect the rights of vulnerable groups, considering their specific needs and capacities, through the empowerment of their rights and fair reparation mechanisms (Ecuador);	38. CSOs note that federal and provincial governments have been providing financial compensation to victims belonging to minority communities against the economic losses of their properties and worship places, however, Pakistan lacks domestic reparation mechanism involving fair restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence. For instance, effective implementation of remedies announced for the rehabilitation of the victims of attack on a Church in Peshawar is awaited for 7 years. <sup>24</sup> 39. GoP's failure to provide adequate, effective and prompt reparation to redress the victims' physical, mental and emotional needs / harm entails their re-victimization and marginalization.
152.76 Develop programmes and policies for comprehensive development and improvement of the situation of the most needy groups (Egypt);	40. CSOs note that although social safety schemes and income support programs are introduced, but they do not adequately cater to minority population despite there is a provision of 5% quota for minorities (NAPHR, 2016), hindering them to improve their socio-economic position. GoP has failed to combat challenges faced by religious minorities in availing economic opportunities, and to address poverty amongst these groups. 41. The measures introduced exclusively for minorities are not legally protected as witnessed in the case of reservation of 5% job quota and formation of the national commission for minorities. Both these actions rely on executive orders, so they fail to deliver results for lack of administrative and implementation mechanism put in place. 42. CSOs note that minorities continue to face violence, discrimination, and persecution. The religiously motivated attacks of violence on minorities' settlements and places of worship have not come to an end with little or no preventive action taken by law enforcement agencies. The conviction of perpetrators involved in violent attacks against minorities is rare. 43. CSOs observe that GoP has not taken effective measures to combat acts of hate crimes that are neither reported to the police, consequently not registered and adequately investigated by the authorities.
152.79 Support legislative policies to protect vulnerable groups with the necessary financial resources to ensure their implementation (United Arab Emirates);	
152.77 Identify gaps for further protection and harmonization of vulnerable groups, including religious minorities (Ethiopia); 152.78 Continue implementing measures to safeguard the rights of women, children and other marginalized and vulnerable segments of society (Nepal);	

<sup>24</sup> CSJ's assessment report "A Long Wait for Justice" available at [http://www.csjpak.org/pdf/A%20Long%20Wait%20for%20Justice\(website\).pdf](http://www.csjpak.org/pdf/A%20Long%20Wait%20for%20Justice(website).pdf)

152.73 Continue adopting effective measures to fight against discrimination (Saudi Arabia);	44. CSOs note that GoP has failed to further amend article 25 of the Constitution of Pakistan for adopting a comprehensive definition of discrimination against women and minorities, encompassing direct and indirect forms of discrimination in both the public and private spheres.
152.81 Continue its efforts to improve the protection of human rights, especially by eliminating discrimination based on sex, race, caste and religion (Holy See);	45. CSOs note that Pakistan has not enacted sufficiently comprehensive equality legislation prohibiting discrimination against women and minorities and providing appropriate enforcement mechanisms, effective remedies and sanctions.
152.83 Adopt the necessary legislative or regulatory measures to combat all forms of discrimination, particularly against ethnic or religious minorities (Côte d'Ivoire);	46. CSOs note with concern that the Islamabad High Court passed a judgment <sup>25</sup> that directed the GoP to make the faith affidavit compulsory for acquiring national identity card, passport, birth certificate, vote registration, and applying for jobs in government institutions, which is contrary to international standards of non-discrimination and religious freedom. 47. CSOs note that three UN Special Rapporteurs sent a joint communication to the government of Pakistan, expressing their concerns over the said judgment that ordered the mandatory declaration of faith for acquiring official documents. <sup>26</sup> However, GoP has not responded to the UN communication since its receipt in April 2018, nor has challenged the court decision. 48. CSOs observe GoP promotes discriminatory practices against minorities. For instance, all Muslim citizens of Pakistan has to sign a declaration <sup>27</sup> for acquiring official documents such as; national identity card and passport. The declaration explicitly carry statement that they consider the founder of the Ahmadiyya community an “imposter,” and consider Ahmadis to be non-Muslims, which is derogatory and discriminatory against members of Ahmadiyya community.
152.84 Make greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities, such as the Hazaras, Dalits, Christians, Hindus and Ahmadis (Argentina);	49. Pakistan has neither effectively taken stringent efforts to investigate and prosecute perpetrators that commit a crime against minorities, nor has provided adequate protection against instigators of discrimination and violence against minorities to hold them accountable.

<sup>25</sup> <https://tribune.com.pk/story/1655551/1-declaring-faith-compulsory-join-army-judiciary-civil-services-ihc/> Chief Justice Islamabad High Court, Shaukat Aziz Siddiqui declared its verdict on 9<sup>th</sup> March 2018 in a case pertaining to controversial amendments made to Khatm-i-Nabuwat oath in the Elections Act, 2017

<sup>26</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?Id=23732>

<sup>27</sup> **Declaration for Muslims:** I hereby solemnly declare that (ii) I do not recognize any person who claims to be a prophet in any sense of the word or of any description whatsoever after Muhammad (PBUH) or recognize such a claimant as prophet or a religious reformer as a Muslim. (iii) I consider Mirza Ghulam Ahmed Qadian to be an imposter nabi and also consider his followers whether belonging to the Lahori or Qadiani group to be non-Muslims.

152.248 Enforce effectively both the existing and new laws to promote and protect the rights of women and children, as well as members of religious minorities, in order to promote tolerance and an inclusive society (Thailand);	50. GoP has not introduced a strategy or policy to promote religious freedom and tolerance.
152.80 Continue to adopt measures to protect the rights of vulnerable groups in rural areas (Plurinational State of Bolivia);	51. GoP has drafted a strategy against the persecution of religious minorities, however, it is neither finalized, nor notified, and not implemented <sup>28</sup> .
	52. The disadvantaged groups in rural areas remain marginalized for their lack of access to opportunities and services in all spheres, and they are under-represented in political and public life, and in education and employment, and in the public service and health care.
<b>Theme: Equality and non-discrimination</b>	
<b>Recommendations (Status: noted / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
152.93 Enact and enforce legislation to afford legal protection from violence and discrimination to all its citizens, including women, girls, the lesbian, gay, bisexual, transgender and intersex community and religious minorities, including through effective prosecutions in accordance with the rule of law (Australia);	53. GoP has neither incorporated a model of substantive equality, nor has instituted appropriate measures to enable the marginalized groups avail remedies against intersecting forms of discrimination, in accordance with international standards of non-discrimination. The measures, if introduced, will have an impact on all aspects of the lives of disadvantaged groups.
152.82 Institute specific legislative measures aimed at eliminating the practice of discrimination against minority groups, including women and girls (Uganda);	54. GoP has not rescinded or reviewed or amended provisions in the constitution and laws that have a discriminatory or disproportionately negative effect on minority groups with a view to bringing them in harmony with international standards of equality and non-discrimination. For instance, constitution's article 41, 91, etc. bar non-Muslim citizens to contest election for the office of the prime minister and the president.
152.74 Adopt comprehensive legislation to combat all forms of discrimination, in line with its obligations and international standards (Honduras);	55. GoP has not adopted any comprehensive criminal law specific to define, prosecute and punish acts of discrimination in all its forms and manifestations, particularly on the basis of religion and gender.
	56. GoP has not adopted clear provisions in the Constitution of Pakistan to define and prohibit acts of discrimination on all grounds, particularly on the basis of faith.

<sup>28</sup> <http://www.mohr.gov.pk/Detail/Zjg3NjNjYTAtMDI1ZC00Yzg3LWJlZGMtMmExYzlhMzVhM2Zk>

<p>152.86 Adopt effective measures to prevent and punish all forms of discrimination against minority groups by adding clear provisions to articles 25 to 27 of the Constitution to ensure the prohibition of discrimination on all grounds, including sexual orientation and gender identity, as well as by adding clear protection provisions in criminal laws concerning public assembly, obscenity and public nuisance (Netherlands);</p>	<p>57. CSOs note that amendment in Section 17 of the Qanun-e-Shahadat Order, 1984 is needed to provide equal evidentiary value to men and women in attestation of financial and future obligations.</p> <p>58. CSOs note that amendment in the Citizenship Act, 1951 is needed to include provisions for a Pakistani woman to transfer her nationality to her foreign husband.<sup>29</sup></p> <p>59. The Bureau of Statistics has failed to reveal data relating to religious minorities three years since the national population census held in 2017. The Council of Common Interest has deferred announcing the pending result of census for lack of consensus among provinces.<sup>30</sup></p>
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<sup>29</sup> Gap analysis of laws relating to ending violence against women, UN Women, 2020

<sup>30</sup> <https://nation.com.pk/13-Nov-2020/cci-again-defers-announcement-of-population-census-result>



<p>152.87 Ensure that minority groups, including scheduled castes, are not discriminated against in education, health care, employment and other basic services and that perpetrators of hate crimes against them face the full force of the law (Sierra Leone);</p>	<p>60. The Federal and provincial governments have reserved three up to five percent job quota<sup>31</sup> for religious minorities in the public sector through executive orders. The compliance of minority quota is almost half as witnessed in a study<sup>32</sup> carried out by the Centre for Social Justice.</p> <p>61. The research report reveals that minorities suffer discrimination in public sector jobs, and derogatory advertisements are issued where Christians and Hindus are required for the job of sanitary workers, and mostly the minorities are recruited on menial jobs (BPS I-V) to meet the job quota. The Supreme Court directed governments to ensure enforcement of job quota reserved for minorities<sup>33</sup>, however, government is hardly complying with the orders so far.</p> <p>62. CSOs note that GoP has failed to improve implementation of job quota, which requires GoP to undertake effective measures such as; regulatory body with legal protection and adequate powers to collect data, monitor compliance and redress complaints.</p> <p>63. CSOs note that GoP has not taken resolute measures against hate speech and provocation to prevent acts of violence directed against persons or religious sites belonging to religious minorities, which include; inter alia, prosecuting perpetrators, building positive narratives, adopting holistic, inclusive and proactive security, establishing early warning systems, adequate rehabilitation and compensation for victims of communal violence.</p> <p>64. CSOs note that minority students are bound to study either Islamiyat or Ethics that oblige them to learn the teaching of eight religions rather than the one of their own conviction like Muslim students. However, GoP has announced to introduce a revised curriculum for the subject of Religious Education/ Ethics for minority students, giving them an opportunity in educational institutions to study about a particular religion, they follow.<sup>34</sup></p>
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<sup>31</sup> 3% quota in Khyber Pakhtunkhwa, while 5% quota in Punjab, Balochistan, Sindh and Federal govt. service.

<sup>32</sup> <http://www.csjpak.org/pdf/Study-implementation-of-Job-Quota-AA.pdf>

<sup>33</sup> [http://www.supremecourt.gov.pk/web/user\\_files/File/smc\\_1\\_2014.pdf](http://www.supremecourt.gov.pk/web/user_files/File/smc_1_2014.pdf)

<sup>34</sup> <https://www.thenews.com.pk/print/698237-who-is-upset-with-islamic-content-of-single-national-curriculum>

152.85 As a follow-up to the recommendation in paragraph 122.38 from the second cycle, amend discriminatory laws and vigilantly counter discrimination against marginalized groups, including women and girls and ethnic and religious minorities, and provide a safe and just environment for all citizens in Pakistan (Haiti);	65. CSOs note that Pakistan lacks law to prevent discrimination, and some of the existing laws continue to carry discrimination on the grounds of gender and religion. For instance, Christian marriage and divorce laws are not in harmony with human rights standards. The Hindu and Sikh marriage laws are passed but rules and regulations for their proper implementation are yet to be framed, while family laws for Parsi, Baha'i and Kalash communities are never introduced. 66. GoP failed to table the Christian Marriage and Divorce Act, 2019 in the parliament till November 2020 despite the draft of amendment bill was available with the Ministry of Human Rights.
<b>Theme: Freedom of thought, conscience and religion</b>	
<b>Recommendations (Status: supported / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
152.147 Finalize and fully implement the national policy on interfaith harmony, in order to, among other things, protect the rights of religious minorities (Namibia);	67. GoP has not devised national policy on interfaith harmony or religious tolerance to protect minority rights.
152.163 Continue active work to ensure inter-confessional harmony within Pakistan (Russian Federation);	68. GoP has not taken effective measures for promoting harmony, dialogue and tolerance among diverse faith groups. However, it has made efforts benefiting Sikh community the most.
152.164 Continue adopting policies and measures to promote dialogue and tolerance among religions (Qatar);	69. CSOs note with the hopefulness that GoP has built a Gurdwara Darbar Sahib, paving the way for Sikh pilgrims from all over the world to visit their sacred place in Narowal, without needing a visa. <sup>35</sup> 70. CSOs note that Punjab government has passed a law to establish a public university in Nankana Sahib after the name of Baba Guru Nanak. <sup>36</sup>
152.165 Strengthen measures with regard to the elimination of violence and discrimination against persons belonging to religious minorities (Georgia);	71. CSOs note that the GoP has not provided minorities satisfactory protection against social hostility and crimes involving violence, discrimination, and persecution, with little legal action against instigators and perpetrators, so they enjoy impunity. For instance, Over 150 persons involved in violent attacks on Christian settlements in Joseph colony Lahore (2013) and Gojra killings (2009) were acquitted, while Sawan Masih was given a death sentence
152.166 Investigate all reports of violence against religious minorities and bring those responsible to justice (Norway);	

<sup>35</sup> <https://www.dawn.com/news/1515830>

<sup>36</sup> [https://punjabcode.punjab.gov.pk/en/show\\_article/SHkEHVJynnJL16ophRiNlteJG9G6giw5LE61Z5bye1e0PBma9DNJUXXolY.QzKjOJ~NErotEENYlqGlkEvj8HQ--](https://punjabcode.punjab.gov.pk/en/show_article/SHkEHVJynnJL16ophRiNlteJG9G6giw5LE61Z5bye1e0PBma9DNJUXXolY.QzKjOJ~NErotEENYlqGlkEvj8HQ--)

152.168 Take effective measures to protect persons belonging to minorities, including the Ahmadi community (France);

in the former incident, however, he was acquitted<sup>37</sup> in October 2020 though he spent seven years in prison, under fabricated blasphemy accusation. The culprits responsible for attacks on Churches in Lahore (2015) and Peshawar (2013) were not brought to justice.

72. CSOs note with concern that an Ahmadi Prof Dr Naeemuddin Khattak<sup>38</sup> was shot dead after he exchanged a heated argument with a Muslim colleague over a religious issue. Similarly, a Christian man, Nadeem Joseph<sup>39</sup> was shot dead for buying a property in a Muslim dominated area. Likewise, a young Ahmadi Dr. Tahir Mahmood<sup>40</sup> was shot dead, and three family members were injured by an armed Muslim youth over the religious differences.
73. CSOs observe that the degree of religious freedom that exists is by default, sometimes involves great costs given the statutory religious discriminations that remained unaddressed. For instance, the political and religious actors have opposed the construction of a temple in Islamabad, and issued decree (fatwa)<sup>41</sup> citing the act a threat to Islam. The government's Capital Development Authority stopped construction of a temple<sup>42</sup> in July owing to the pressure exerted by the religio-political groups despite Prime Minister sanctioned grant for its construction<sup>43</sup>, and Islamabad High Court disposed of three identical petitions filed against its construction<sup>44</sup>. Despite the Council of Islamic Ideology has issued its ruling that there is no legal or Sharia constraints against constructing a temple in any part of the country<sup>45</sup>, the construction of the temple has not resumed till November 2020, which is disappointing.
74. GoP has failed to protect the religious minorities' right to religious freedom as witnessed in a village close to Lahore where Christians were threatened and forced by local Muslims to remove a cross from a Church being constructed, which does not look like a worship place any longer<sup>46</sup>.
75. Similarly, The Hanuman temple<sup>47</sup>, Mata Deval Bhattani temple<sup>48</sup>, Sham Sundar Shewa Mandli temple<sup>49</sup>, Shri Rama Pir temple<sup>50</sup>, Churrio Jabal Durga Mata temple<sup>51</sup> and others were vandalized in Karachi, Tharparkar, Badin and Khairpur and Ghotki<sup>52</sup>, whereas the holy idols and religious scriptures were desecrated.

Theme: Administration of justice and fair trial	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.138 Ensure the right to a fair trial for all and ban traditional and informal justice systems (Republic of Korea);	76. CSOs note that traditional jirgas and panchayats continue to decide the fate of women, and they continue to wreak havoc with women's lives, and continue to discriminate against women in their decisions.
152.141 Ensure due process is afforded to all persons accused of criminal offences, as well as protection from public persecution (Australia);	77. CSOs note that women and minorities face numerous obstacles in accessing justice, which leads to impunity, retaliation and other violations.  78. They face barriers to avail remedies against violations of their rights, which include lodging complaints, impartial investigation and a fair trial.

<sup>37</sup> <https://tribune.com.pk/story/2267111/lhc-acquits-convict-in-blasphemy-case>

<sup>38</sup> <https://www.dawn.com/news/1583413>

<sup>39</sup> <https://www.pakistantoday.com.pk/2020/07/09/family-accuses-peshawar-police-of-patronizing-christian-mans-murderers/>

<sup>40</sup> <https://www.dawn.com/news/1591426>

<sup>41</sup> <https://voicepk.net/2020/07/02/hindu-community-stands-firm-in-face-of-fatwa-and-petition-against-temple/>

<sup>42</sup> <https://www.dawn.com/news/1566799>

<sup>43</sup> <https://www.dawn.com/news/1565405/pm-approves-grant-for-construction-of-hindu-temple-in-islamabad>

<sup>44</sup> <https://www.dawn.com/news/1567588>

<sup>45</sup> <https://www.dawn.com/news/1587472>

<sup>46</sup> <https://www.persecution.org/2020/07/15/christians-forced-remove-cross-church-pakistan/>

<sup>47</sup> <https://www.samaa.tv/news/2020/08/karachi-lyari-pre-partition-hindu-temple-demolished/>

<sup>48</sup> <https://www.dawn.com/news/1530851>

<sup>49</sup> <https://www.samaa.tv/news/2019/02/khairpurs-hindus-in-shock-after-holy-books-set-on-fire-at-kumb-temple/>

<sup>50</sup> <http://voicepk.net/2020/10/13/police-requests-medical-board-for-man-who-vandalised-temple/>

<sup>51</sup> <https://www.samaa.tv/news/2020/10/nagarparkar-men-vandalise-holy-statues-at-hindu-temple/>

<sup>52</sup> <https://www.dawn.com/news/1507673>

<p>152.143 Advance the efforts made to facilitate equitable access to justice for all, especially the poor and marginalized (Cuba);</p>	<p>79. GoP has failed to enable equitable access to justice for minorities, as they face intimidation and discrimination at the stage of case registration, investigation and trial. They also face social pressure maintained through panchayat (informal council of elders), and gathering a mob outside courts and police stations, pressurizing and tempting minority victims to settle for reconciliation, or withdraw from exercising their right to a fair trial.</p> <p>80. CSOs note that there are several instances of communal or mob violence against religious minorities where worship places are desecrated, minority settlements are set on fire, minority persons are burnt alive, and minority belongings are looted. The police administration fails to prevent such violent attacks, and let the mob implement their plans. The arrests are made by the police, but mostly they are released on bail or acquitted by the court, allowing perpetrators of violence to enjoy impunity.</p>
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### Theme: Administration of justice and fair trial

Recommendations (Status: noted / unimplemented)	Assessment/comments on level of implementation
<p>152.144 Align with the comprehensive recommendations made by the Committee against Torture and those mentioned by the Human Rights Committee in its review of Pakistan in 2017, regarding the rule of law and access to justice (Greece);</p>	<p>81. CSOs note with concern that GoP has not effectively implemented the recommendations regarding the rule of law and access to justice, made by CAT and Human Rights committees.</p> <p>82. CSOs note that the laws criminalizing violence against women, particularly dealing with honour killings, rape and domestic violence lack effective enforcement. Whereas, the parallel informal legal system to resolve civil and criminal disputes for the sake of inexpensive and expeditious justice is operative.</p> <p>83. CSOs note that women face barriers in the physical and built environment, communication barriers and economic barriers that prevent them to have adequate access to justice. The victims of gender based violence lack the necessary legal, medical, financial and psychological support, and have limited access to effective remedies and means of protection.</p>

### Theme: Right to education

Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
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152.224 Continue the current efforts to ensure that all children, without discrimination, enjoy the right to education (Kazakhstan);

84. CSOs note that Pakistan's education policies tend to prefer the religion of the state (Islam) while the public school textbooks continue to maintain hate speech against minorities, which disregard the religious diversity among the students. The textbooks for compulsory subjects of English, Urdu, Social Studies, Pakistan Studies, History, General Knowledge and Science, intrinsically carry a significant amount of content inspired by the majority religion, which minority students are obliged to study. Hence, the school education becomes synonymous with that in seminary (Madrassah).
85. For instance, a review of compulsory General Knowledge textbooks (Grade 1 and Grade 2) found exercises reinforcing Islamic teachings and rituals that oblige minority students to either learn them or, alternatively, be marginalized in the classroom in case they refuse to do so. A review of Urdu textbooks from Grade 1 to Grade 10 found 59% of Islamic content in 113 out of 193 units entailing 58 images of mosques, 1 of the Holy Quran and 27 of Muslim politicians. Similarly, Urdu textbooks carry 33% of Islamic content in 44 out of 135 units that contain 11 images of mosques, and 6 of Muslim politicians.<sup>53</sup>
86. CSOs note with concern that the majority of Non-Muslim students study Islamiyat (Islamic Studies) instead of opting for the subject of Ethics (Moral Education) from Grade 3 up to Grade 12.<sup>54</sup> This is confirmed by an independent research revealing that 80% of registered minority students were studying Islamiyat for Grades 9 and 10 (Matriculation), whereas for Grades 11 and 12 (Intermediate), 90% of the registered minority students were studying Islamiyat in 2018<sup>55</sup> for multiple reasons, inter alia, unavailability of ethics textbooks and teachers, derogatory content, discrimination in the marking of exams, etc.
87. CSOs note with the hopefulness that the provincial government of Punjab approved the reservation of 2% seats for minority students in public sector higher education institutes<sup>56</sup>, while the federal and rest of three provincial governments are yet to adopt such an affirmative measure.

<sup>53</sup> CSJ's study Quality Education Vs Fanatic Literacy, October 2020 is available at <http://www.csjpak.org/pdf/Quality%20Education%20Vs.%20Fanatic%20Literacy.pdf>

<sup>54</sup> National Education Policy 2009, Policy Action No. 10; Provision shall be made for teaching of the subject of Ethics/Moral Education in lieu of Islamiyat to non-Muslim children and subject specific teachers shall be appointed according to the requirements.

<sup>55</sup> CSJ's working paper on Ethics in Question, September 2019.

<sup>56</sup> <https://www.dawn.com/news/1553584>

152.228 Step up efforts to ensure the access of all children to quality education, regardless of social status, gender or ethnicity (Bulgaria);

88. CSOs note with concern that the quality of education is unsatisfactory, as according to ASER Report 2019, 41% of students in Grade V cannot read the story of Grade II in local languages such as Urdu, Sindhi or Pashto, while 45% of Grade V cannot read sentences in English, and 43% cannot do two-digit division in arithmetic.<sup>57</sup>
89. CSOs note that Pakistan has neither abrogated any statutory provisions and administrative instructions and has nor discontinued administrative practices that involve discrimination in education.
90. CSOs observe that the teaching of Islamiyat (Islamic Studies) is a compulsory subject from Grade 1 up to graduation level in all educational institutions, however, the federal and Punjab (provincial) governments passed laws<sup>58</sup> that made compulsory the recitation of Quran in Arabic (Nazrah) for Grade I-V, and reading of the Holy Quran with Urdu translation for Grades VI-XII in public schools at primary and secondary levels. The religious minority students have been given no option to study their religion till the submission of this report.
91. CSOs note that the Governor of Punjab has made the award of degree in all public universities in the province conditional to passing an exam based on the reading of the Holy Quran with translation.<sup>59</sup> CSOs note with concern that it is unprecedented in the world of university education and clearly contravenes the concept of rigorous training in specialized disciplines at the university level. CSOs also observe that Ethics is not offered for minorities at the graduation level, so the above-mentioned development will serve to strengthen coercion in education, compelling minority students to study the teaching of a majority religion other than their own.
92. The trend of majoritarianism in the legal and policy measures prevails by and large. For instance, the legislative assembly of Punjab passed an amendment in the existing law, without any debate in the political and public domain that had authorized Muttahida Ulema Board to review and approve the content relating to Islam in all public school textbooks before publishing it.<sup>60</sup> CSOs note with worry that this step seeks to place control of educational content in the hands of religious groups rather than experts in education, undermining the quality of education.

<sup>57</sup> Annual Status of Education Report 2019, available at [http://aserpakistan.org/document/report\\_cards/2019/summary\\_report\\_cards/National\\_2019.pdf](http://aserpakistan.org/document/report_cards/2019/summary_report_cards/National_2019.pdf)

<p>152.225 Intensify efforts to ensure that all children enjoy the right to education and protection from discrimination and violence (Kyrgyzstan);</p>	<p>93. CSOs note with concern that GoP introduced the single national curriculum for Grade I-V, which focuses the most on mainstreaming Madrassah in public education, and largely ignores religious inclusion, diversity and non-discrimination in education. The new curriculum fails to meet the standards such as; quality and creative learning and inclusivity, owing to its overemphasis on the promotion of the religious content from the religion of the majority i.e. Islam.</p> <p>94. CSOs observe that no concession is introduced for students belonging to minority students for learning their own religion unlike Muslim students who are awarded 10-20 extra marks owing to learning the Quran by heart (Hifaz-e-Quran) for admission in professional colleges and for employment through the Public Service Commission at Federal and provincial levels.</p> <p>95. The National assembly, Senate<sup>61</sup> and provincial assemblies of Punjab and Sindh<sup>62</sup> unanimously adopted a resolution, followed by notifications that directed the authorities to ensure that the finality of prophethood “Khatam-un-Nabiyeen” is mandatory written or spoken along with the name of last Prophet Muhammad (PBUH) in public schools and textbooks, official meetings and documents, television, radio or otherwise.</p> <p>96. National assembly adopted a resolution asking the authorities to confiscate and impose a ban on import, sale and production of any material containing blasphemous content in Pakistan, and to pass a law to make possible the printing and dissemination of any religious book only with the approval of the Council of Islamic Ideology.<sup>63</sup></p> <p>97. According to CSJ’s study, half of the Church-run schools and colleges, nationalized in 1972, are yet to be denationalized and returned to the Church administration.<sup>64</sup></p>
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<sup>58</sup> The Compulsory Teaching of the Holy Quran Act, 2017 (Act No.XXX), and PUNJAB COMPULSORY TEACHING OF THE HOLY QURAN ACT 2017 passed in 2017 and 2018 respectively.

<sup>59</sup> Notification No. GS(Univ.-I)I-I/2020-435 dated 4 June 2020

<sup>60</sup> Inserted section 10[2(a)] to the Punjab Curriculum and Textbook Act 2015, dated 9 June 2020, available at: <http://punjablaws.gov.pk/laws/2589.html>

<sup>61</sup> Resolution on finality of prophethood <https://www.app.com.pk/senate-adopts-resolution-to-write-words-khatam-an-nabiyyin-after-the-name-of-holy-prophet/>

<sup>62</sup> Sindh Assembly resolution on finality of prophethood <https://www.dawn.com/news/1563759/sindh-assembly-adopts-unanimous-resolution-on-finality-of-prophethood>

<sup>63</sup> National Assembly resolution on banning blasphemous content, available at: [http://www.na.gov.pk/en/resolution\\_detail.php?id=372](http://www.na.gov.pk/en/resolution_detail.php?id=372)

<sup>64</sup> <http://www.csjpak.org/pdf/Lessons%20from%20the%20Nationalisation%20of%20Education.pdf>



<p>152.221 Continue the positive experience of incorporating international human rights standards into the national education system (Azerbaijan);</p>	<p>98. CSOs note that GoP has failed to incorporate international human rights standards into the national education system to ensure that all children, without discrimination, enjoy the right to education. It has failed to develop religiously inclusive curricula and textbooks, free from any distinction or preference on the basis of religion. The textbooks are not revised to ensure equality of opportunity and treatment in education, accommodate religious inclusion and diversity, and the hate material against minorities persists.</p>
<p>152.222 Increase its efforts to improve the education system, as a tool to enhance peaceful coexistence in the country (Holy See);</p>	<p>99. CSOs note that the education system and public textbooks are not improved to incorporate material on peace and human rights, contributing to peaceful collaborative school learning for all students based on understanding dignity of human persons and equality of rights.</p> <p>100. CSOs note that three UN Special Rapporteurs sent a joint communication to the government of Pakistan, asking for eliminating religion based biases from school textbooks, ensuring non-discrimination in education, and introducing ethics as a viable alternative to Islamiyat.<sup>65</sup> Although, GoP has not responded to the UN communication till November 2020, yet it intends to introduce revised curriculum for Ethics / religious education solely for non-Muslim students, which will comprise of content from five religions including; Christianity, Hinduism, Sikhism, Baha'i and Kalash.</p>
<p>152.232 Continue its efforts to increase enrolment rates at all levels of education, in particular continue to improve equal access to education for all children, regardless of gender, income level or background (Bosnia and Herzegovina);</p>	<p>101. CSOs note that GoP has failed to educate a huge proportion of the girls, as many of them have no access to education, owing to a shortage of government schools for girls. Many girls drop out due to lack of toilets, safe and affordable transport. According to United Nations statistics, 32 percent of primary school age girls are out of school in Pakistan, compared with 21 percent of boys.<sup>66</sup></p>

<sup>65</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24962>

<sup>66</sup> United Nations Children's Fund (UNICEF), "State of the World's Children data," December 2017.

152.214 Continue the successful social policies on education and health for the benefit of women, girls and older persons (Bolivarian Republic of Venezuela);	<p>102. CSOs observe that the provincial government of Punjab initiated “Zewar-e-Taleem Programme”, encouraging enrolment and retention of girl students on maintaining 80% attendance in public sector schools through cash transfer of PKR 3,000/- per quarter, is being run in 16 districts only with a low literacy rate.</p> <p>103. CSOs note with concern that GoP has failed to ensure enrolment and retention of all children aged 5 -16 at school, as 22.8 million children are out of school with more girls (12.6 M) than boys (10.2 M) in Pakistan. In Primary to Higher Secondary Level, 49% of the population of girls are out of school as compared to 40% of the boys population.<sup>67</sup> Whereas, the primary to secondary retention rate of girl students is 52 percent.</p>
152.234 Ensure better and greater access of women and girls to education with the aim of empowering them (Spain);	104. Human Rights Watch documented barriers to education for girls in Pakistan that keep them out of school, which include, inter alia, insufficient investment, lack of schools, lack of accessible facilities, poor quality of education, corporal punishment, and a failure to enforce compulsory education. The external factors that prevent girls from attending school include child labor, gender discrimination, child marriage, sexual harassment, insecurity, and attacks on students, teachers, and schools. <sup>68</sup>
152.229 Undertake more efforts to ensure equal access to elementary and secondary education for both genders (Oman);	
152.233 Continue to invest resources to ensure that all children between the ages of 5 and 16, in particular girls in difficult regions, have access to quality basic and secondary education (Singapore);	105. CSOs note that GoP has invested in education far below the 4 to 6 percent recommended by UNESCO, leaving the education sector under-funded. According to Economic Survey, Pakistan was spending on education 2.4 percent of its GDP in 2017-18, as compared to 2.2 percent in 2016-17. <sup>69</sup>
152.235 Take urgent measures to protect women and girls against discrimination and gender disparities, in particular by ensuring their access to education (Argentina);	106. CSOs note with concern that over half of total population of women is illiterate in Pakistan, however, the ultimate focus of the GoP is to introduce the single national curriculum, rather than increasing enrolment, or eliminating gender disparity which is 0.84%, 0.90% and 0.88% in primary, secondary and tertiary education. Pakistan’s literacy rates are 46% and 71% among females and males respectively, and it is ranked at 143 out of 153 countries in educational attainment according to the Global Gender Gap Report 2020. <sup>70</sup>

<sup>67</sup> Pakistan Education Statistics (2016-2017), available at <http://library.aepam.edu.pk/Books/Pakistan%20Education%20Statistics%202016-17.pdf>

<sup>68</sup> Human Rights Watch, “‘Shall I Feed My Daughter, or Educate Her’: Barriers to Girls’ Education in Pakistan,”

November 2018, <https://www.hrw.org/report/2018/11/12/shall-i-feed-my-daughter-or-educate-her/barriers-girls-education-pakistan>.

<sup>69</sup> Pakistan Economic Survey (2018-2019) Government of Pakistan, available at [http://www.finance.gov.pk/survey/chapters\\_19/Economic\\_Survey\\_2018\\_19.pdf](http://www.finance.gov.pk/survey/chapters_19/Economic_Survey_2018_19.pdf)

<sup>70</sup> [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf) Page 277

## Theme: Participation of minorities in public affairs

### Recommendations (Status: supported / unimplemented)

152.182 Enforce the measures adopted to ensure the participation of minorities in public affairs (Egypt);

### Assessment/comments on level of implementation

107. CSOs note that minorities are not adequately represented in leadership positions of political parties. Although religious minorities have representation in national and provincial legislative assemblies through systems of proportional representation using a party list, yet a lot of efforts are required to ensure their effective participation in public life, inter alia, reservation of parties' tickets for minority candidates to encourage them contest the election on general seats as witnessed in the case of women politicians in general elections 2018<sup>71</sup>, and adoption of inclusive process for their selection for candidacy for reserved seats through intra party elections, and establishing mentoring & capacity building programs so that they could make an effective contribution to the legislative process, and their representation in central executive committees rather than in the minority wings of the political parties.
108. CSOs note with concern that the oath of minority representatives is the same as that of Muslim elected counterparts that obliges minority politicians to preserve the Islamic ideology.<sup>72</sup> Besides, the constitution bars non-Muslim citizens to contest election for the office of President<sup>73</sup> and Prime Minister<sup>74</sup> of Pakistan.
109. CSOs observe that although religious minorities are given 5 % quota in public sector jobs, however, the compliance of quota is nearly half, as confirmed by a research study<sup>75</sup>. Minorities are largely considered to serve as sanitary workers that Muslims are unwilling to take up, that feed into social stigmatization and stereotyping of minorities.
110. CSOs note that although provincial departments dealing with minority affairs are operative, but Federal Ministry for religious affairs and interfaith harmony merely has a wing rather than a division to deal with the affairs of minorities.

<sup>71</sup> Elections Act 2017

<sup>72</sup> <http://www.pakistani.org/pakistan/constitution/schedules/schedule3.html>

<sup>73</sup> Constitution of Pakistan, Article 41 (2): A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age.

<sup>74</sup> Constitution of Pakistan, Article 91 (3): After the election of the Speaker and the Deputy Speaker, the National Assembly shall, ..., proceed to elect without debate one of its Muslim members to be the Prime Minister.

<sup>75</sup> CSJ's study A long wait for Justice, June 2019

152.183 Strengthen measures to ensure the participation of minorities in all spheres of national life (Zimbabwe);	<p>111. CSOs note that the government has not meaningfully consulted minorities on decisions that affect them directly as witnessed in the case of National Commission for Minorities, and Christian Marriage and Divorce Act, 2019. Both these efforts faced criticism for lack of consultation and consensus.</p> <p>112. The members of Ahmadiyya community are prevented from the decision-making process as witnessed in the case of Economic Advisory Council<sup>76</sup>, National Commission for Minorities<sup>77</sup>. Their exclusion from commission was appreciated in the provincial assembly of Punjab that adopted a resolution, which is sad.</p>
<b>Theme: Blasphemy Laws / Freedom of thought, conscience and religion / Freedom of opinion and expression</b>	
<b>Recommendations (Status: noted / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
152.157 Consider repealing the blasphemy laws, or at least amending them, to protect persons from eventual abuses or false accusations and to moderate the penalties (Holy See);	113. CSOs note that GoP has neither abolished blasphemy laws nor altered any of its provision to reduce penalties, making blasphemy a bailable offense, and has not placed procedural and institutional safeguards that require prior judicial review before registering first information report in cases involving allegation of blasphemy.
152.161 End the harassment of minorities and place procedural and institutional safeguards to prevent the misuse of the blasphemy laws (India);	
152.162 Implement measures to prevent violence, persecution and discrimination on the basis of religion and, in particular, prevent the misuse of the blasphemy laws by requiring all cases to undergo prior judicial review before charges may proceed (Canada);	114. CSOs note that blasphemy laws provide a pretext for violence against religious minorities, and GoP has made inadequate efforts to protect minorities' lives, belongings and worship places as witnessed in several cases where mere accusation of blasphemy followed by provocations sparked disruptive public reactions, including rioting and mob violence.
152.152 Review the procedures applicable to the blasphemy laws with a view to containing abuses (France);	115. Although the parliament passed the Criminal laws (amendment) Act 2017 that increased punishment for perjury and false accusations from six months to 5-7 years <sup>78</sup> , but the procedural amendment proved ineffective for its lack of application and failed to effectively address the abusive use of the blasphemy laws, as witnessed in several cases of malicious
152.151 Modify or abolish blasphemy laws that limit the right to freedom of religion or belief (Mexico);	

<sup>76</sup> Government removed Atif Mian's from economic advisory council in September 2018. <https://www.dawn.com/news/1431495>

<sup>77</sup> <https://www.hrw.org/news/2020/05/08/pakistan-ahmadis-kept-minorities-commission>

<sup>78</sup> The Criminal Laws (Amendment) Act, 2017 (Act No. IV of 2017), passed in Feb. 2017, that amended Section 182 of Pakistan Penal Code (PPC).

152.153 Revise the blasphemy laws so that they cannot be abused against religious minorities (Czechia);	accusations since the new law has been in force. Besides, the provision neither failed to change the societal direction, nor it touched upon the content of the existing laws.
152.154 Enact legislation ensuring the right to freedom of religion or belief for all religious groups and take effective measures to prevent the abuse of blasphemy legislation and the use of violence against religious minorities (Austria);	116. CSOs note that GoP has not profoundly reformed the blasphemy laws to advance religious freedom and prevent its abuse for use of violence against minorities. However, the data reveal that nearly 80 individuals are imprisoned on blasphemy charges <sup>79</sup> , while many of them face a death sentence. At least 40 people remain on death row in Pakistan after being convicted under the blasphemy laws, and hundreds await trial. <sup>80</sup> There were about 48 convictions of 28 Muslims, 16 Christians, and 4 Ahmadis on blasphemy charges since 2001. <sup>81</sup>
152.158 Guarantee freedom of religion or belief by considering the decriminalization of blasphemy, and adopt measures to protect the rights of persons belonging to religious minorities (Italy);	
152.159 Abolish, or profoundly reform, the blasphemy laws and guarantee freedom of religion and belief for all in law and in practice (Luxembourg);	
	117. According to the data compiled by the Centre for Social Justice, 1,549 individuals (720 Muslims, 516 Ahmadi, 238 Christians, 31 Hindus, 44 persons with unknown religious affiliation) were alleged of committing blasphemy during 1987 and 2017. The data reveals that at least 75 individuals (39 Muslim, 23 Christians, nine Ahmadis, two Hindus and two persons with unknown religious affiliation) had been killed till 2017 in incidents involving allegations or presumed commission of blasphemy. At least five persons were murdered by policemen on duty while a total of 11 persons lost their lives after being attacked in the police custody, in addition to this, five more were assassinated or died in mysterious circumstances while in the jail. Lives of at least 18 persons were lost during mob-attacks.
	118. CSOs note with concern that a US citizen, Tahir Ahmed Naseem <sup>82</sup> on trial for blasphemy was gunned down while appearing in the court in Peshawar, whereas a Muslim bank manager, Malik Imran Hanif <sup>83</sup> was shot dead by a security guard over alleged blasphemy allegation. The shooters in both the cases were praised by the lawyers and the public at large, for killing the blasphemers <sup>84</sup> .

<sup>79</sup> USCIRF Policy Update: Pakistan's Blasphemy Law, November 2019

<sup>80</sup> Human Rights Watch report 2019; Page 446

<sup>81</sup> USCIRF report. 2019

<sup>82</sup> <https://www.dawn.com/news/1571793>

<sup>83</sup> <https://www.dawn.com/news/1588614/bank-manager-shot-dead-by-security-guard-allegedly-over-blasphemy-in-punjab-khushab>

<sup>84</sup> <https://tribune.com.pk/story/2258878/holy-warrior-selfies-pakistan-teen-feted-for-killing-us-blasphemy-suspect>

<p>152.167 Amend chapter XV of the Penal Code (blasphemy laws) to ensure the protection of the minorities of all religions and beliefs (Denmark);</p>	<p>119. CSOs note with concern that Asiya Bibi, a Christian woman who had been on death row for eight years under blasphemy charges, was released in May 2019 despite the Supreme Court of Pakistan had quashed the conviction of Asiya Bibi in October 2018. She was put in the custody for security reasons for over half a year owing to nationwide protests by religious groups that opposed Asiya's acquittal and migration to any foreign country, and threatened judges, government officials, and military leadership with violent reprisals.<sup>85</sup></p> <p>120. An Ahmadi man, Abdul Shakoor<sup>86</sup> was released in 2019, who was unjustly imprisoned since 2015 under an accusation of selling Ahmadiyya literature, which is illegal in Pakistan.</p> <p>121. A Christian man, Sawan Masih, who remained on death row under a blasphemy allegation, is acquitted by the Court in October 2020, so GoP must put efforts to ensure his safety and security.</p>
<p>152.150 Amend its national legislation on defamation and blasphemy in accordance with international human rights law (Lithuania);</p> <p>152.156 Repeal or modify the blasphemy laws in order to bring them into line with the principles related to freedom of thought, conscience and religion and, in particular, with its obligations under the International Covenant on Civil and Political Rights (Greece);</p>	<p>122. CSOs note that GoP has failed to bring vaguely worded blasphemy laws in conformity with principles related to thought, conscience and religion. GoP has not considered decriminalizing blasphemy or making punishment less harsh. Instead, the provincial assembly of Punjab unanimously adopted a resolution asking the federal government to make existing laws sterner, and set up a screening or filtration system to intercept blasphemous material on social media.<sup>87</sup> Besides, the Islamabad High Court directed the government to make the blasphemy laws sterner in order to prevent its misuse.<sup>88</sup> The CSOs express their concerns that a blasphemer can be punished with life imprisonment or the death sentence according to the existing laws. What more can be done to make the laws stricter?</p>

<sup>85</sup> <https://www.dw.com/en/asia-bibis-blasphemy-verdict-islamists-protest-across-pakistan/a-46101210>

<sup>86</sup> <https://www.ucanews.com/news/elderly-ahmadi-released-from-pakistani-jail-after-blasphemy-sentence-cut/84768>

<sup>87</sup> Punjab Assembly resolution on blasphemy laws <https://www.dawn.com/news/1525516>

<sup>88</sup> <https://www.dawn.com/news/1351121> Chief Justice Islamabad High Court, Shaukat Aziz Siddiqui declared its verdict on 11<sup>th</sup> August 2017 in a case seeking elimination of blasphemous content from social media.

<p>152.155 Repeal the blasphemy laws and restrictions and end their use against Ahmadi Muslims and others, and grant the visit of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (United States of America);</p>	<p>123. CSOs note with concern that the legislative assembly of the Punjab passed Tahaffuz-e-Bunyad-e-Islam Bill 2020 (Protection of Foundation of Islam bill), though the Governor has not given his assent till November 2020.<sup>89</sup> The bill is tantamount to imposing curbs on freedom of expression, as it gives Directorate General Public Relations and Muttahida Ulema Board powers to prevent the import, publication, sale and distribution of any book, they consider against the national interest, Islam, culture, religious and sectarian harmony. In sum, this bill is against the fundamental rights, and has a sectarian outlook too, so is unacceptable for the Shia community.</p>
<p>152.160 Ensure the protection of the right to freedom of religion or belief, expression, association and peaceful assembly by decriminalizing blasphemy and respecting, protecting and fulfilling the rights of all religious minorities, including the Ahmadis, Shia Muslims, Christians and Baha'is (New Zealand);</p>	<p>124. CSOs note with concern that the religious organizations are treated as NGOs, so they have to get registered, and comply with all requirements as that of NGOs. The already registered NGOs as well as faith-based organizations and institutions are required to submit documents to the Economic Affairs Division (EAD) for entering in MoU, which makes them eligible to receive foreign funding, and operate effectively in Pakistan. It is unfortunate that GoP has included missionary work in the category of prohibited activities<sup>90</sup>, which is a violation of the right to religious freedom.</p> <p>125. CSOs note that Special Rapporteur on right to freedom of opinion and expression sent a reminder to visit Pakistan in 2015, however, GoP did not entertain the request that remained pending for five years. The similar fate was endured by the Special Rapporteur on minority issues despite he made visit requests in 2013 and 2015.</p> <p>126. Likewise, Special Rapporteur on freedom of religion or belief made a request for a country visit in 2006, and sent reminders in 2013, 2015 and 2018, to which GoP did not respond positively, so it is pending.</p>

<sup>89</sup> <https://www.thenews.com.pk/print/692674-tahaffuz-e-bunyad-e-islam-bill-will-be-signed-after-consensus-sarwar>

<sup>90</sup> MoU EAD, 4.20 available at [http://www.ead.gov.pk/SiteImage/Misc/files/vi\\_%20Draft%20MOU.pdf](http://www.ead.gov.pk/SiteImage/Misc/files/vi_%20Draft%20MOU.pdf)

152.148 Adopt and implement legal and practical measures to ensure the protection of religious minorities, including Christians, Ahmadis, Hindus and Sikhs, in line with paragraph 34\* of the concluding observations of the Human Rights Committee (Netherlands);

**\*Para 34 (CCPR/C/PAK/CO/1)**

The State party should:

- (a) Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48;
- (b) Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished;
- (c) Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases;
- (d) Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished;
- (e) Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas;
- (f) Fully implement the judgment of the Supreme Court of 19 June 2014.

127. CSOs note that the GoP has introduced no concrete measures to amend or repeal blasphemy laws despite they are incompatible with the CCPR, and do not satisfy international law standards, and they fail to provide protection against fair trial, and value burden of proof and intent or mens rea<sup>91</sup>, the presumption of innocence, the proportionality of punishments, etc.

128. CSOs observe that GoP has not introduced any measure to protect the actors involved in blasphemy cases against threats and intimidation, for the administration of justice, as over 80 persons have been extrajudicially killed in connection with alleged blasphemy till 2020.

129. CSOs note that the accused's family, witnesses, and legal counsel often fall victim to intimidation from extreme religious groups as well. In the past, such groups have threatened and even murdered judges, lawyers, and politicians for their involvement in blasphemy cases or for expressing their opposition to blasphemy laws.

130. CSOs note with grave concern that two academics in Sindh province: Prof. Sajid Soomro and Dr. Arfana Malah were alleged of committing blasphemy, putting their lives and careers at risk, and making academic freedom under grave threat.<sup>92</sup> Another academic from Punjab province, Prof. Junaid Hafeez was sentenced to death over an allegedly controversial comments posted on social media.<sup>93</sup> Similarly, a Hindu principal of a private school in Sindh province, Prof. Lal was accused of blasphemy by a student, followed by an enraged mob attack led by religious leaders, leaving properties and the temple damaged.<sup>94</sup> CSOs note that a student of a government college stabbed a Prof. Khalid Hameed to death on the pretext of blasphemy in Punjab province, for supporting a party that was supposed to engage male and female students, which is perceived to be as un-Islamic practice.<sup>95</sup>

131. Hate speech against minorities is pervasive in textbooks, public and political discourse, which leads to social hostility. The actions particularly dealing with hatred and religious persecution has been relatively poor against perpetrators who incite religious hatred contributing to imminent violence. Only people misusing the loudspeakers have been arrested, but the hate speech and crimes on the basis of religion are continued with impunity.



	<p>132. CSOs note that four UN Special mandate-holders sent a joint communication to the government of Pakistan, asking for holding perpetrators accountable for acts of public incitement to discrimination, violence and hatred towards minorities, inter alia, detail about extrajudicial killings on the pretext of blasphemy, information about efforts to ensure non-discrimination and religious freedom for all.<sup>96</sup> However, GoP has not responded to the UN communication till November 2020, nor has taken action against the State Minister Muhammad Ali for provocation.</p> <p>133. CSOs note that there has been very little progress i.e. 24% compliance with judgment since June 2014. The most important measures ordered by the apex court have not been implemented by federal and provincial governments<sup>97</sup> such as; statutory national council for minorities, formulation of policy on religious tolerance, and enforcement of five percent job quota, etc.</p>
152.149 Strengthen the protection of religious minorities, in particular by guaranteeing freedom of manifestation of their religion in teaching, practice, worship and observance (Poland);	<p>134. CSOs note that GoP has not strengthened efforts to advance religious freedom, and protect the existence and promote the identity of minorities. The religious minorities continue to face the challenges in exercising their right to profess, practice and propagate their religion. For instance, the sections 298A, 298B and 298C of the Pakistan Penal Code explicitly discriminates against, solely target Ahmadis, and continue to treat few practices such as; posing them as Muslims, declaring or propagating their faith publicly, referring to their worship place as Mosque, referring to public calls to prayer as Azaan and employing Islamic terminology, as a criminal offence.<sup>98</sup></p>

<sup>91</sup> Mens rea is referred to as the intention or knowledge of wrongdoing that constitutes part of a crime, as opposed to the action or conduct of the accused.

<sup>92</sup> <https://voicepk.net/2020/06/12/civil-society-backs-dr-arfana-mallah-prof-sajid-soomro/>

<sup>93</sup> <https://www.dawn.com/news/1523521>

<sup>94</sup> <https://www.dawn.com/news/1505467/unrest-in-ghotki-as-teacher-accused-of-blasphemy>

<sup>95</sup> <https://www.dawn.com/news/1470814>

<sup>96</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25266>

<sup>97</sup> CSJ's compliance report A long wait for justice

<sup>98</sup> <https://www.amnesty.org/en/latest/news/2020/11/pakistan-surge-in-targeted-killings-of-ahmadis/>

**Theme: Forced conversion****Recommendations (Status: Noted / unimplemented)**

152.169 End forced conversions and marriages of minorities, including Hindu, Sikh and Christian women, and prosecute all cases (India);

**Assessment/comments on level of implementation**

135. CSOs note that GoP has failed to enact and enforce a law to protect religious minorities against forced conversions despite three private member's bills were tabled in the parliament. The minority legislators namely; Ramesh Kumar Vankwani<sup>99</sup> and Naveed Aamir Jeeva<sup>100</sup> presented bills in the national assembly, whereas Muhammad Javed Abbasi<sup>101</sup> presented a bill in the Senate. Unfortunately, the bills prohibiting forced conversions were rejected by the standing committees of the National Assembly and the Senate<sup>102</sup>.

136. CSOs note with concern that a provision to protect citizens against forced marriages<sup>103</sup> is enacted as an offence in 2017, however, it is not effectively applied, instead provisions dealing with offence of abduction are included as police officers are found reluctant to register and investigate the cases that involve allegations of forced conversion and marriage of girls from the minority communities.<sup>104</sup> The GoP has failed to prosecute actors dealing in forcibly converting minor girls from minority communities, and forcibly marrying them off with Muslim men, mostly way older and already married. The lack of action against perpetrators of crimes against minorities, let them enjoy impunity.

137. CSOs note with optimism that a few recent judgments set a positive precedent to follow in cases involving an allegation of forced conversion. The lower and high courts handed over the custody of minor Christian girls: Charlotte Javed<sup>105 106</sup>, Pumi Muskan<sup>107</sup> and Saima

<sup>99</sup> A bill on conversion available at: [http://na.gov.pk/uploads/documents/1557315393\\_270.pdf](http://na.gov.pk/uploads/documents/1557315393_270.pdf)

<sup>100</sup> A bill on forced conversion available at: [http://na.gov.pk/uploads/documents/1556026200\\_943.pdf](http://na.gov.pk/uploads/documents/1556026200_943.pdf)

<sup>101</sup> A bill on forced conversion available at: [http://senate.gov.pk/uploads/documents/1598276327\\_813.pdf](http://senate.gov.pk/uploads/documents/1598276327_813.pdf)

<sup>102</sup> <https://tribune.com.pk/story/2265480/senate-panel-rejects-bill-for-minorities>

<sup>103</sup> Pakistan Penal Code Section 498 B: Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

<sup>104</sup> Maliha Zia, Legal Aid Society

<sup>105</sup> <https://www.pakistantoday.com.pk/2019/04/10/parents-get-custody-of-teenage-christian-girl-forcibly-converted-to-islam/>

<sup>106</sup> Christian Teen Shares Survivor's Testimony of Abduction and Forced Marriage in Pakistan | Persecution

<sup>107</sup> <https://www.thenews.com.pk/print/628321-under-15-children-lack-capacity-to-change-religion-court>

152.275 Enact and enforce legislation that facilitates women's social, political and economic empowerment, including in relation to child marriage and forced conversion (Australia);

Javaid<sup>108</sup> to their parents, whereas Maira Shahbaz<sup>109</sup> managed to flee the abductor in Punjab province. These girls became the victim of forced conversion, sexual abuse and marriage, and remained in the captivity of their abductors for several weeks.

138. The conversion of minor children from minority communities continue unabated despite the Lahore High Court issued a judgment<sup>110</sup> stating that children below 18 years of age, are not Sui Juris<sup>111</sup>, so they lack the legal capacity to change the religion on their own.
139. The Sindh High Court issued a judgment<sup>112</sup> observing that there is no prohibition under the Islamic law or the law of the land for a converted Muslim woman to reside with her non-Muslim parents, which prevents separation of children and parents after the faith conversions.
140. The Sindh High Court charged the abductor and purported husband of 13-years old girl Arzoo Raja<sup>113</sup> with rape and child marriage, and issued orders to let her stay at a shelter home until she turns 18, or accompany parents at any time.
141. A Parliamentary Committee on Protection from Forced Conversion consisting of 22 parliamentarians from Majority and Minority communities, was constituted<sup>114</sup> in November 2019. The committee failed to make any substantive progress in a year except conducting briefing sessions on forced conversion in Sindh<sup>115</sup>, and sharing its controversial findings<sup>116</sup>, which were largely criticized by minority communities and rights groups<sup>117</sup>.
142. According to a research study Silence of the Lamb<sup>118</sup>, 170 incidents of forced conversion took place during 2013 and 2020. Another study by the National Commission for Justice and Peace revealed that 1,733 faith conversions to Islam (726 Hindus, 605 Christians, 384 Ahmadi, 3 Sikhs, 2 Kalash, 13 individuals with unknown religious affiliation) had been reported in the national media during 2000 and 2012. According to the investigative report "Around 60 Christians were converting to Islam every month in Lahore and surrounding areas during 2009-2011 owing to economic pressures, security, etc."<sup>119</sup> According to a study carried out by the University of Birmingham, at least 2866 cases of conversion involving women and girls were reported between January 2012 and June 2017 in Pakistan".<sup>120</sup>

Theme: Prohibition of slavery, trafficking	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.187 Implement fully the national strategic framework against trafficking in persons and human smuggling, ensuring adequate human and financial resources (United Kingdom of Great Britain and Northern Ireland);	<p>143. CSOs note that Pakistan remains a country of origin, transit, and destination of trafficking for the purpose of forced marriage. However, the lack of disaggregated data on internal and cross-border trafficking, and analysis of cases impede authorities' attention to the severity of the problem.</p> <p>144. GoP has not ratified the protocol to prevent, suppress and punish the trafficking in persons.</p>
Theme: Prohibition of slavery, trafficking	
Recommendations (Status: noted / unimplemented)	Assessment/comments on level of implementation
152.185 Pass an anti-trafficking law that prohibits and penalizes all forms of human trafficking (United States of America);	145. CSOs note that the allegations of human trafficking are neither effectively investigated, nor all perpetrators including brokers, traffickers, and buyers, are adequately prosecuted and punished.

<sup>108</sup> <https://www.persecution.org/2020/03/28/abducted-13-year-old-girl-returned-christian-family-pakistan/>

<sup>109</sup> <https://www.ucanews.com/news/catholic-altar-girl-in-hiding-in-pakistan-after-escaping-abductor/89343>

<sup>110</sup> <https://sys.lhc.gov.pk/appjudgments/2019LHC4414.pdf>

<sup>111</sup> Sui Juris is a Latin phrase. It means capability of managing one's affairs or assuming legal responsibility.

<sup>112</sup> <https://www.thenews.com.pk/print/684546-muslim-children-can-live-with-non-muslim-parents-says-shc>

<sup>113</sup> <https://www.dawn.com/news/1592050>

<sup>114</sup> [http://www.senate.gov.pk/en/details\\_standingcommittees.php?id=212](http://www.senate.gov.pk/en/details_standingcommittees.php?id=212)

<sup>115</sup> <https://www.thenews.com.pk/print/723323-senate-panel-to-hold-marathon-sessions-on-forced-conversion-incidents-in-sindh>

<sup>116</sup> <https://www.dawn.com/news/1585956>

<sup>117</sup> <https://www.thenews.com.pk/print/732982-concern-over-statement-of-parliamentary-body-chairman>

<sup>118</sup> CSJ's study on forced conversions in Pakistan, available at [http://www.csjpak.org/pdf/Working%20Paper%20on%20Forced%20Conversions%20\(English\).pdf](http://www.csjpak.org/pdf/Working%20Paper%20on%20Forced%20Conversions%20(English).pdf)

<sup>119</sup> Aoun Sahi, The News International, 16 March 2011.

<sup>120</sup> A study by the University of Birmingham (Accessible at: [https://www.birmingham.ac.uk/Documents/college\\_artslaw/ptr/ciforb/Forced-Conversions-andForced-Marriages-in-Sindh.pdf](https://www.birmingham.ac.uk/Documents/college_artslaw/ptr/ciforb/Forced-Conversions-andForced-Marriages-in-Sindh.pdf)).

<p>152.186 Update national laws to cover all forms of trafficking, and eliminate cross-border trafficking in persons and forced marriage (Sierra Leone);</p>	<p>146. CSOs note that the sections 310-A and 498B of Pakistan penal code relating to forced marriage are ineffective as this offence is non-cognisable.</p> <p>147. CSOs note that trafficking survivors lack access to effective redress and support services including medical, legal, psychosocial assistance, and livelihoods and shelter.</p> <p>148. CSOs note with concern that hundreds of Pakistani young brides particularly; Christians were trafficked to China in 2019 alone, but the Chinese nationals were released.</p> <p>149. CSOs note that the lack of action to recover victims of trafficking from other countries, contribute to the sufferings of the victims and their family.</p>
<b>Theme: Domestic violence</b>	
<b>Recommendations (Status: supported / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
<p>152.259 Adopt legislation that criminalizes domestic violence in all provinces and ensure, promote and facilitate the effective implementation of this legislation by, inter alia, providing training for law enforcement officers (Belgium);</p>	<p>150. Domestic violence is not an offence under the Pakistan Penal Code, therefore criminal law amendment is needed to clearly define domestic violence covering psychological, verbal, physical and economic abuse, and set a penalty to prevent such acts.</p> <p>151. However, three provinces Punjab, Sindh, and Balochistan have passed laws against domestic violence, while provincial assembly of Khyber Pakhtunkhwa is yet to enact and enforce a law, though the bill for the same has been drafted and tabled.</p>
<p>152.258 Enact legislation on domestic violence in all provinces (Sweden);</p>	<p>152. The judges, prosecutors, police officers and medical practitioners lack training on gender based violence.</p> <p>153. According to Pakistan Demographic and Health Survey, 28% of women age 15-49 have experienced physical violence at least once in their lifetime, while 33.9 % among ever-married women have experienced physical violence during pregnancy that may result in abortion, miscarriage, stillbirth, or other health issues.<sup>121</sup></p>

<sup>121</sup> Pakistan Demographic and Health Survey, 2017-2018

152.265 Set up effective legislative or others measures to protect women and children against domestic violence and all forms of ill-treatment (Luxembourg);	<p>154. The Sindh law<sup>122</sup> defines domestic violence broadly and covers a range of domestic relationships; and specifically criminalizes the practice.</p> <p>155. The Balochistan law<sup>123</sup> provides for civil remedies such as protection and residence orders, however, it doesn't criminalize domestic violence. It also defines a domestic relationships more broadly to include domestic help.</p> <p>156. The Punjab law<sup>124</sup> defines domestic violence broadly but doesn't specifically criminalize the practice. Instead, it provides victims a range of civil remedies such as protection, residence and monetary orders.</p>
<b>Theme: Economic, social and cultural rights</b>	
<b>Recommendations (Status: supported / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
152.44 Continue to apply and strengthen programmes and public policies on social development, inclusion, the reduction of poverty and inequality, and non-discrimination (Nicaragua);	<p>157. GoP initiated Ehsaas Kafaalat Program aimed at giving cash stipend of PKR 2,000 monthly to poor women across the country.<sup>125</sup> GoP implemented Ehsaas Emergency Cash Program, giving PKR 12,000 per family to deal with economic hardship experienced by the vulnerable due to the Coronavirus crisis.</p> <p>158. GoP introduced "Ehsaas" (Compassion) programme which is aimed at targeting poverty, vulnerability, malnutrition and deprivation, however, some of its components are yet to be implemented.</p> <p>159. Pakistan is ranked at 150 among 153 countries in economic participation and opportunities, according to the Global Gender Gap Report, which reveals that only 4.9% females serve as legislators, senior officials and managers, whereas 23.3% females are professional and technical workers.</p>
152.95 Strengthen efforts aimed at achieving the Sustainable Development Goals (Egypt);	160. CSOs note that GoP has a lot to do to realize the de jure (legal) and de facto (substantive) gender equality for implementation of SDGs, particularly mainstreaming the principles of equality and non-discrimination in relevant policies and strategies.

<sup>122</sup> THE DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT, 2013

<sup>123</sup> THE BALOCHISTAN DOMESTIC VIOLENCE (PREVENTION AND PROTECTION) ACT 2014

<sup>124</sup> THE PUNJAB PROTECTION OF WOMEN AGAINST VIOLENCE ACT 2016

<sup>125</sup> [https://www.pass.gov.pk/userfiles1/files/1\\_%20Kafaalat%20English%20Brief\\_\\_January%2029\\_2020\(1\).pdf](https://www.pass.gov.pk/userfiles1/files/1_%20Kafaalat%20English%20Brief__January%2029_2020(1).pdf)

Theme: Right to food	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.215 Prioritize policies and programmes on nutrition, vaccination and health workers to reduce maternal, neonatal, and child mortality, and make sufficient budgetary allocations (Islamic Republic of Iran);	161. CSOs note that Pakistan witness a high mortality rate of mothers and children owing to women's limited access to family planning, unskilled birth attendants, and inadequate healthcare services during pregnancy. 162. CSOs observe that GoP has not yet launched community health and nutrition initiatives to address stunting in children.
152.206 Combat poverty, including through the effective implementation of the Benazir Income Support Programme (South Africa);	163. The poverty rate continues to grow despite the efforts, which requires GoP to make the poverty alleviation programs more effective to bring people out of the web of poverty.
Theme: Right to work	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.195 Implement programmes to create jobs to ensure the realization of the right to work (Islamic Republic of Iran);	164. According to the World Economic Outlook, the unemployment rate in Pakistan is at approximately 4.5 percent. <sup>126</sup> GoP has neither created sufficient new jobs for the unemployed, nor has made appointments on the vacant posts. 165. The data about government employees in Punjab <sup>127</sup> reveals that the quota policy had not been a great achievement in implementation, as it witnessed the huge ratio of unfilled posts against job quota policy. For instance, 74% of posts against quota for persons with disabilities remained vacant, followed by 59% for Women and 48% for Minorities in 2017. A similar trend was also observed in 2018 where 88% posts for minorities, 70% for persons with disabilities, and 69% for women remained unfilled.  166. The data about federal government employees <sup>128</sup> reveals that the percentage share of females in government sector stands at 4.79% and minorities at 2.86% during 2018-19, which is way below from the 10% reserved quota for women, and 5% for minorities. In sum, the job quota policy devised to empower marginalized groups, is not effectively implemented across Pakistan.

<sup>126</sup> International Monetary Fund data available at <https://www.imf.org/external/datamapper/profile/PAK>

<sup>127</sup> Punjab Public Service Commission, progress Report, 2017 & 2018

<sup>128</sup> Annual Statistical Bulletin Of Federal Government Employees (2018-19)

Theme: Right to health	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.218 Continue improving maternal and neonatal health services through interventions at national and provincial levels (Sri Lanka);	167. CSOs note that GoP's National Vision and its action plan fails to specify clear indicators, time-bound targets, monitoring body and budgetary commitments for its effective implementation to address challenges relating to maternal and child health and nutrition.
152.217 Expand further the ongoing efforts to provide medical facilities and access to vulnerable groups, particularly women and girls, in rural areas, as part of the overall effort to achieve universal health coverage in Pakistan (Malaysia);	168. CSOs note that women lack adequate health care facilities and skilled medical assistance, particularly in rural areas. 169. CSOs note with concern that GoP spent 1.1 percent of its GDP on health during 2018-19 on the health sector that hinders accessibility and safety of health services for women across Pakistan.
Theme: Access to sexual and reproductive health and services	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.219 Ensure women's rights concerning their sexual and reproductive health through an enabling policy (Iceland);	170. CSOs note that there are gaps at both service delivery and policy level that prevent adequate access of women to quality sexual and reproductive health information and services. Women face barriers that prevent them from exercising their right to sexual and reproductive health, and they have limited access to family planning services, and they lack decision-making power to make reproductive choices, including age at marriage, number of children, and a gap between children, use of modern contraceptives, etc.
152.220 Take effective measures to improve women's access to health services, in particular reproductive health services (Kazakhstan);	171. GoP has failed to take effective measures to improve women's health and services. According to Pakistan Economic Survey <sup>129</sup> , the maternal mortality rate was 140 per 100000 women in 2017, whereas, the Neonatal mortality rate was 42, and the Childhood mortality rate was 69.3, and the Infant mortality rate was 57.2 per 1000 live births in 2018. The mortality rate among patients affected by Covid-19 is approximately 2.1 percent. 172. The provincial assembly of Sindh has passed Sindh Reproductive Healthcare Rights Act, 2019 <sup>130</sup> aimed at facilitating reproductive healthcare and promoting reproductive health rights. However, the federal and rest of three provincial governments are yet to adopt such a law.

<sup>129</sup> [http://www.finance.gov.pk/survey/chapter\\_20/11\\_Health\\_and\\_Nutrition.pdf](http://www.finance.gov.pk/survey/chapter_20/11_Health_and_Nutrition.pdf)

<sup>130</sup> <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XV%20of%202019.pdf>



Theme: Advancement of women	
Recommendations (Status: supported / unimplemented)	Assessment/comments on level of implementation
152.245 Launch government programmes to raise the awareness of women about their constitutionally guaranteed rights (Bahrain);	173. CSOs note that GoP has failed to raise awareness and build state narrative on women's rights and violence against women, as the crimes against women involving sexual violence are rife in Pakistan, and people including personnel of law enforcement agencies consider the rape incidents the fault of women victims.
152.239 Continue the implementation of the laws on the protection of women (France);	174. CSOs note that the pro-women laws are poorly implemented, as witnessed in several cases involving the offence of child / forced marriage, and violence.
152.199 Continue to provide financial and other forms of support to women and other vulnerable groups (Azerbaijan);	175. CSOs note that GoP has initiated some programs, however, they are not much effective to financially empower the marginalized groups.
152.236 Continue efforts to improve the literacy rate among women (Qatar);	176. CSOs note that GoP needs to invest more in girls' education to improve their literacy skills. According to the Labour Force Survey, the overall literacy rate was 62.3 percent in 2017-18, with males (72.5%) and females (51.8%). <sup>131</sup>
152.244 Consolidate the protection of women's human rights with new mechanisms and laws in this area (Bolivarian Republic of Venezuela);	177. CSOs note that domestic laws are not in harmony with international instruments for women's rights. For instance, child / forced marriages are common, and there is no law to deal with complaints relating to marital rape and forced conversions, so they continue unabated in Pakistan.
152.242 Continue efforts aiming at empowering women, combating social and economic discrimination and protecting them from violence (Poland);	178. CSOs note that social and economic discrimination go unnoticed in the Pakistani context, considering it a part of the culture. Pakistan lacks a law to prevent discrimination on any ground.
152.240 Continue efforts to promote and protect the role and status of women (Lebanon);	179. CSOs note that the pro-women bills face resistance in the legislative assemblies, and religio-political groups take to the street to prevent any progressive legislation in favour of women. Besides, the national and provincials commissions on status of women are dysfunctional.

<sup>131</sup> Labour Force Survey (2017-2018), available at [http://www.pbs.gov.pk/sites/default/files/Labour%20Force/publications/lfs2017\\_18/Annual%20Report%20of%20LFS%202017-18.pdf](http://www.pbs.gov.pk/sites/default/files/Labour%20Force/publications/lfs2017_18/Annual%20Report%20of%20LFS%202017-18.pdf)

152.243 Continue implementation of initiatives to encourage the empowerment of women, in particular in rural areas (Bulgaria);	<p>180. GoP claims to have developed a policy on empowerment of women, however its draft is unavailable.</p> <p>181. The national parliament<sup>132</sup> and provincial assembly of Khyber Pakhtunkhwa<sup>133</sup> have passed laws aimed at enforcing women's property rights. However, three provinces Punjab, Sindh and Balochistan are yet to enact laws for the same.</p> <p>182. CSOs note that rural women are deprived of their rights, and they remain marginalized despite government's initiatives which are not much effective to empower them. According to Pakistan Demographic and Health Survey 2017-18, 3% of women and 72% of men own a house, while 2% of women and 27% of men own land.</p>
<b>Theme: Advancement of women</b>	
<b>Recommendations (Status: noted / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
152.275 Enact and enforce legislation that facilitates women's social, political and economic empowerment, including in relation to child marriage and forced conversion (Australia);	<p>183. CSOs note that the bills to provide girls and women with protection against child marriage and forced conversions were rejected by the committees of the National Assembly and the Senate.</p> <p>184. CSOs note with concern that there is no state narrative on the severe negative impact of child early age marriage, and the implementation of the legal age for marriage is weak.</p>
<b>Theme: Discrimination against women</b>	
<b>Recommendations (Status: supported / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>

<sup>132</sup> The Enforcement of Women's Property Rights Act, 2020 (Act No. XII of 2020)

<sup>133</sup> The Khyber Pakhtunkhwa Enforcement of Women's Property Rights Act, 2019

152.246 Continue progress towards equality between women and men, increasing and strengthening the representation of women in politics, economics, academia and the judiciary. This also implies effective equality before the law, including inheritance rights, equal access to justice, equality in the effective exercise of their rights to education and health, and equal remuneration and access to credit and other financial services (Nicaragua);

185. CSOs note that women continue to be under-represented as voters and elected representatives, and the number of reserved seats for women have been decreased in the local government laws, as we have witnessed 33% women representation from 2002 to 2009. The level of women's representation and participation in political and public life is low, especially in decision-making positions, the judiciary, and diplomatic services. For instance, Pakistan is ranked at 93 among 153 countries in women's political empowerment. 20.2% of women are legislators, whereas 12% of women are appointed at ministerial positions, according to the Global Gender Gap Report 2020.
186. CSOs note with hopefulness that of 446 women candidates for general seats in Elections 2018, they won only 8 and 9 seats for national and provincial assemblies respectively. Women have a 20.23% representation in the national assembly and 19.23% in the Senate<sup>134</sup>
187. CSOs note with concern that there is a huge gender gap in terms of voters according to the data released by the Election Commission of Pakistan reveals that there are 64 million males (55%), 51 million females (45%) and (0.002%) transgender voters in Pakistan.<sup>135</sup>
188. Gender ratios of Cabinet members are: Federal 6:36, Punjab 2:43, Sindh 2:18, while there is no representation of women in Balochistan, Khyber Pakhtunkhwa cabinets. Women chair 5 out of 33 standing committees of the National assembly and 1 out of 34 Senate Standing Committees. The gender ratio among Parliamentary Secretaries is 12:33. Provincial ratios of Standing Committee Chairs are: Balochistan 6:12, KP 3:31, Punjab 10:14, Sindh 2:17.<sup>136</sup>
189. Only five women serve in the superior judiciary, but they have no representation in the Supreme Court and Balochistan High Court. Pakistan has witnessed females serving as first-ever Inspector general and Additional Inspector General. Women are 9% of Vice-Chancellors of over 130 public universities, and 12% of women serve as Ambassadors.<sup>137</sup>
190. CSOs note that the stereotypes result in forced disenfranchisement of women and prevent them from running for election. For instance, we have witnessed that women's votes remained less than 10% of all votes cast at certain polling stations in the elections 2018.

<sup>134</sup> Deeds not Words, Pakistan's CSOs alternative report on CEDAW, Aurat Foundation, 2020

<sup>135</sup> <https://www.ecp.gov.pk/PrintDocument.aspx?PressId=66679&type=PDF>

<sup>136</sup> Pakistan's CSOs alternative report on CEDAW, 2020

<sup>137</sup> Pakistan's CSO shadow report on CEDAW, 2020

152.241 Continue efforts to combat and eliminate all forms of discrimination against women (Tunisia);	191. CSOs note that GoP has failed to amend or repeal all discriminatory provisions in laws that provide for unequal rights of women with respect to marriage, divorce, guardianship and inheritance.
152.251 Continue to implement additional measures to prevent discrimination against women and girls (Maldives);	
152.252 Enhance activities aimed at eliminating discrimination against women and gender-based violence (Kyrgyzstan);	192. GoP has failed to adopt comprehensive anti-discrimination legislation, providing full and effective protection against direct, indirect and multiple discrimination on any ground in the private and public sphere.
152.250 Continue to increase its efforts to prevent discrimination and violence against women (Japan);	193. CSOs note that the government-run shelter homes continue to remain under-resourced, and have poor conditions and services for women victims of violence, which requires GOP to provide adequate funding and training to shelter homes, and equip them with effective medical and psychological support services, legal counselling and rehabilitation services.
152.253 Strengthen its efforts to combat discrimination and violence against women and girls to allow them to enjoy their rights under conditions of equality (Ecuador);	194. CSOs note that the shelter homes are not a safe place for females as witnessed in the Kashana Home in Lahore, where its superintendent alleged that she is being pressurized to get underage orphan girls married with senior government functionaries. She was suspended, and staff of the shelter home was transferred within 48 hours. <sup>138</sup>
	195. Pakistan lack in assessing the trends of violence which requires GoP to collect and analyse disaggregated data on discrimination and violence against women, as well as data on the protection orders issued, on prosecutions and on the sentences imposed on perpetrators.
152.273 Work on raising the legal marriage age to 18 years (Bahrain);	196. CSOs note that GoP has failed to adopt an amendment in the Child Marriage Restraint Act aimed at harmonizing the legal age of marriage at 18 years for both sexes without exceptions throughout Pakistan, and improving realization of a child's right to protection from such a harmful practice.
	197. CSOs observe that child marriage and forced marriage persist in Pakistan, however, GoP has failed to amend the Pakistan Penal Code to make offences related to child marriage and forced marriage cognizable to prevent its harmful effects on the education, health, and development of girls.
	198. CSOs observe divergences in the minimum age of marriage in provinces, as it is set 16 years for girls, and 18 years for boys except for Sindh where 18 years is the minimum age for both sexes.

<sup>138</sup> <http://hrcp-web.org/hrcpweb/hrcp-investigates-kashana-home-case/>

152.268 Take effective measures to ensure the full implementation of the laws against “honour” crimes and rape and raise the legal age of marriage to 18 years in all provinces (Austria);	199. CSOs note that the Child Marriage Restraint Act has been toothless as it is not effectively enforced. Some courts continue to declare marriages of minors valid on the pretext of puberty under Islamic interpretations and medical evidence. 200. CSOs note that Child marriage tends to occur in the most marginalized and vulnerable communities and has devastating consequences on education and health of girls.
152.255 Expedite the finalization of the national policy on ending violence against women and girls (Bangladesh);	201. GoP claims to have finalized the national policy on ending violence against women, however its draft is unavailable.
152.256 Speed up the finalization of its national policy on ending violence against women and girls (South Africa);	202. 29% of young married women (aged 15-29) face controlling behaviors by husbands, 15% of them have experienced physical violence and 4% have exposed to sexual violence by anyone other than spouse, while 14% of currently married women have faced spousal physical violence and 4% have faced spousal sexual violence during last 12 months. <sup>139</sup>
152.272 Increase the number and quality of gender-sensitive training events on violence against women for the judiciary and law enforcement agencies (Lithuania);	203. CSOs note that the lack of training on the application of criminal law provisions for gender-based violence, make judiciary and law enforcement agencies unable to effectively respond to cases in a gender-sensitive manner.
152.262 Strengthen national legislation criminalizing violence against women in order to remove the existing loopholes that leave room for perpetrators to escape punishment (Uganda);	204. CSOs note that the Qisas and Diyat laws, aimed at inflicting an equal retributory punishment and paying financial compensation to the legal heirs for life lost or/and bodily injury inflicted, are applied in Pakistan, that contribute to obstruct the provision of justice to women and make the perpetrators of violence against women escape punishment.
152.257 Intensify its efforts to combat violence and discrimination against women and girls by ensuring that perpetrators are prosecuted and punished (Djibouti);	205. CSOs note that most of the cases relating to gender based violence largely remain under-reported, contributing to impunity for perpetrators. 206. GoP has failed to adopt a national plan of action to combat all forms of gender-based violence against women. 207. CSOs note that Criminal law amendment in section 345 is needed to define and criminalize acts of sexual assault that do not result in or fall short of sexual penetration. Whereas, amendment in section 375 is needed to define and criminalize acts of sexual violence by penetration through tools, weapons, other body parts, etc. <sup>140</sup>

<sup>139</sup> The Young Women in Pakistan: Status Report 2020, UN Women is accessible at <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2020/11/pk-young-women-in-pakistan-status-report-2020.pdf?la=en&vs=4120>

<sup>140</sup> Gap analysis of laws on EVAW, by UN WOMEN is accessible at <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2020/07/gap%20analysis%20of%20legislation%20related%20to%20ending%20violence%20against%20women%20evaw%20khyber%20pakhtunkhwa.pdf?la=en&vs=3216>

152.260 Complete the existing legislation in order to combat all forms of violence against women throughout its territory (Switzerland);	208. Pakistan has not put a monitoring mechanism in place to effectively enforce the existing anti-honour killings and anti-rape laws and other relevant laws criminalizing violence against women.
152.261 Ensure effective and monitored enforcement of existing federal and provincial legislation related to violence against women (Sweden);	209. CSOs note that progressive laws, and proposed amendments to existing pro-women laws are opposed in legislative assemblies, as witnessed in the case of introducing a law on forced conversion, and amending Child Marriage Restraint Act.
152.263 Implement, effectively and stringently, legislation criminalizing violence against women and domestic violence, including marital rape, and improve data collection mechanisms on violence against women (Slovenia);	210. CSOs note that Pakistan lacks reliable statistics which requires GoP to put a mechanism in place to collect and analyse comprehensive data on violence against women.
152.264 Enforce effectively all relevant laws criminalizing violence against women and domestic violence (Bosnia and Herzegovina);	211. The marital rape is not recognized as a criminal offence in Pakistan. Punjab, Sindh and Balochistan provinces have passed laws against domestic violence which are insufficient for deterrence without effective implementation.
152.266 Abolish harmful customary practices against young girls in line with its commitments under the Convention on the Elimination of All Forms of Discrimination against Women (Iceland);	212. CSOs note that GoP has failed to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, perpetuating women's subordination to men.
	213. CSOs note that harmful practices, such as child marriage, forced marriage and honour crimes are persistent, which requires GoP to initiate effective awareness-raising and education program to inform the general public, parents, religious and community leaders, about the criminal nature and harmful effects of such practices.
152.267 Redouble efforts to enforce laws criminalizing gender-biased violence, such as the recently adopted laws against rape and "honour" crimes (Brazil);	214. CSOs note with concern that killing in the name of honour continue to unabated in Pakistan, and the cases of honour crimes often go unreported, or are passed off as suicides or natural deaths by family members.

152.269 Implement, fully and without delay, the law against “honour” crimes, which resolved an ambiguity that had allowed perpetrators to be pardoned by relatives of the victim (Croatia);	215. CSOs observe that GoP has failed to amend the law on anti-honour killing to completely eliminate the loophole that allows the legal heirs of the victim to pardon the perpetrators who happen to be a male family member.
152.270 Adopt measures that will enhance the implementation of legislation combating “honour” killings, rape, violence against women and domestic violence (Cyprus);	216. CSOs note that victims of rape fail to have effective access to justice, as no mechanisms have been put in place to implement the special procedures for court hearings.
152.271 Continue its efforts towards eradicating discrimination and violence against women and girls, including by fully implementing the laws against rape and “honour” crimes and thoroughly investigating and prosecuting all violations of those laws (New Zealand);	217. CSOs note that the lack of prompt and effective investigation; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims discourage women to report gender based violence.
152.249 Strengthen efforts to prevent and combat all forms of discrimination and violence against women and children by means of reinforcing the relevant legal framework, running awareness campaigns and ensuring that perpetrators are brought to justice and victims receive appropriate help (Italy);	218. According to Pakistan Demographic and Health Survey 2017-18, 29.1 % of ever-married women age 15-49 have experienced sexual violence.  219. The parliament has passed Zainab Alert, Response and Recovery Act, 2020 <sup>141</sup> aimed at recovering the missing and abducted children, and protecting them from violence, abuse, neglect, trafficking, rape, murder or exploitation.  220. This law is applicable in Islamabad, the capital of Pakistan, only, however, the four provinces are yet to adopt such laws for its effective enforcement across the country.  221. The federal cabinet, in principle, has passed the Anti-Rape (Investigation and Trial) Ordinance, 2020 and the Criminal Law (Amendment) Ordinance, 2020 aimed at setting up special courts for sexual offences against women and children and introducing harsher punishments for convicts, including the concept of chemical castration "mainly as a form of rehabilitation, and abolishing the "inhumane and degrading" two-finger virginity test for rape victims during medico-legal examinations. <sup>142</sup> However, the parliament is yet to review and pass them.

<sup>141</sup> [http://na.gov.pk/uploads/documents/1591608391\\_324.pdf](http://na.gov.pk/uploads/documents/1591608391_324.pdf)

<sup>142</sup> <https://www.dawn.com/news/1592535>

Theme: Discrimination against women	
Recommendations (Status: noted / unimplemented)	Assessment/comments on level of implementation
152.274 Make 18 years the minimum age of marriage for women and men (Iceland);	222. The National Assembly standing committee rejected <sup>143</sup> the Child Marriage Restraint (Amendment) Bill 2019, aimed at fixing the legal minimum age to marriage at 18 years for girls, despite it was passed by the Senate.  223. The Child Marriage Restraint Act is not effectively enforced in the courts, as judges continue to sanction marriages of minor girls on the basis of onset of puberty.
152.276 Amend the Child Marriage Restraint Act to include an equal minimum age of marriage of 18 years for all individuals (Denmark);	
152.277 Take concrete steps aimed at increasing the minimum marriage age for girls from 16 to 18 (Namibia);	
152.278 Set the legal minimum age to marry at 18 years for males and females in all provinces, and ensure that the law is effectively enforced (Belgium);	
Theme: Violence against Women	
Recommendations (Status: noted / unimplemented)	Assessment/comments on level of implementation
152.254 Address the societal acceptance of violence against women and ensure punishment for all perpetrators of violence against women (Czechia);	224. CSOs note that the domestic violence/wife-beating is socially accepted, and justified under certain circumstances in Pakistan. It is sad that 42% of women and 40% of men agree that husband is justified in beating wife under specific circumstances which include; burning food, exchanging heated arguments, going out without telling, neglecting children and in-laws, refusing to have sexual intercourse.  225. The physical and sexual violence against women, particularly girl children is on the rise, and GoP has failed to address societal acceptance of gender based violence. 226. According to Pakistan Demographic and Health Survey 2017-18, 34% of ever-married women have experienced spousal physical, sexual, or emotional violence that cause women to sustain injuries including cuts and bruises. It is alarming that 56% of women who have experienced any type of spousal violence have not sought any help or talked with anyone about resisting or stopping the violence. <sup>144</sup>

<sup>143</sup> <https://www.thenews.com.pk/print/515514-na-body-on-law-rejects-child-marriage-restraint-bill>

<sup>144</sup> Pakistan Demographic and Health Survey 2017-18 is accessible at <https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>



### Theme: Follow-up to Universal Periodic Review (UPR)

#### Recommendations (Status: noted / unimplemented)

152.37 As a follow-up to the recommendations in paragraphs 106.10 and 106.39 from the first cycle and paragraph 122.77 from the second cycle, establish a systematic consultation and follow-up mechanism with civil society and non-governmental organizations on the implementation of recommendations formulated in the framework of the universal periodic review (Haiti);

#### Assessment/comments on level of implementation

227. CSOs note that GoP has failed to establish a systematic consultation and follow-up mechanism with civil society organizations on formulation of an action plan for the implementation of recommendations from UPR.

### Theme: Acceptance of international norms

#### Recommendations (Status: noted / unimplemented)

152.9 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and continue strengthening the legislation aimed at the elimination of all forms of discrimination against women (Uruguay);

152.10 Develop indicators and a timeline for the implementation of the recent legislation on women's rights and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Germany);

152.6 Ratify the First Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Guatemala);

#### Assessment/comments on level of implementation

228. Pakistan is yet to introduce a law to prevent discrimination on any ground.

229. GoP has not ratified the optional protocols to human rights treaties such as; ICCPR, CEDAW, CAT and CRPD.

152.27 Accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Honduras);	230. GoP has not ratified the protocol to prevent, suppress and punish the trafficking in persons.
<b>Theme: National action plan on implementation of resolution</b>	
<b>Recommendations (Status: noted / unimplemented)</b>	<b>Assessment/comments on level of implementation</b>
152.66 Establish a national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security, as well as explicitly criminalize the recruitment and use of children in hostilities (Portugal);	231. GoP has neither consulted with CSOs with expertise on women's rights, nor has adopted a national action plan for the implementation of Security Council resolution 1325 (2000), incorporating a mode of substantive equality, integrating gender-responsive budgeting and encouraging participation of minority women in peace, transitional justice and reconciliation process.
152.247 Work on implementing the women and peace and security agenda to ensure effective participation of women in all spheres (Spain);	232. CSOs note that women lack representation and participation at decision-making positions in politics, public service, judiciary, etc.