Universal Periodic Review (42nd session)

Contribution of UNESCO

Pakistan

I. Background and framework

Title	*Date of ratification, accession, acceptance, or succession*	*Declarations /Reservations*	*Recognition of specific competences of treaty bodies*	*Reference to the rights within UNESCO's fields of competence*
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 23 July 1976 Committee Member (1978-1985; 1987-1993)			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 7 October 2005			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 4 March 2022			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. Pakistan is a Federal Republic and each province is responsible for policies and laws related to the delivery of education.

2. The Constitution of the Islamic Republic of Pakistan does not comprehensively enshrine the right to education, but places upon the State the obligation to provide free and compulsory education from age five to sixteen. There is a non-discrimination clause, which prohibits discrimination.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. The Constitution of Pakistan guarantees freedom of speech and expression under Article 19.[1] The same article states that freedom of speech, expression and the press is "subject to reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security, or defence of Pakistan". In 2010, Article 19A was adopted on right of access to information.[2] Currently right to information laws exist at federal and four provincial levels.
4. In 2016, the National Assembly passed the Prevention of Electronic Crimes Act (PECA).[3] The Electronic Crimes Act includes provisions that can criminalize speech online, such as section 11 (on hate speech) or section 20 (offences against dignity of a natural person) and gives the authorities the right to remove or block online content (section 37 – unlawful on-line content).[4]
5. In 2020, Citizen Protection (Against Online Harm) Rules were approved to regulate online harmful content.[5] In 2021, the government issued revised rules, "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021"[6], which affirm a right to free expression but include a number of grounds based on which content can be removed or blocked, including in the interest of "glory of Islam", "security of Pakistan", "decency and morality" (section 3).which still give the Pakistan Telecommunications Authority (PTA) control over, and therefore the right to censor, what is posted on social media.

[1] https://na.gov.pk/uploads/documents/1333523681_951.pdf
[2] Ibid.
[3] https://na.gov.pk/uploads/documents/1472635250_246.pdf
[4] https://na.gov.pk/uploads/documents/1472635250_246.pdf
[5] https://moitt.gov.pk/SiteImage/Misc/files/CP%20(Against%20Online%20Harm)%20Rules%2C%202020.pdf
[6] https://www.pta.gov.pk/en/laws-&-policies/rules

6. In 2021, a new draft law related to media regulation was introduced. All the existing media laws are to be repealed and a new legislation known as the "Pakistan Media Development Authority" (PMDA) will take its place[7].
7. The "Protection of Journalists and Media Professionals Act 2021"[8] has been introduced for protecting journalists from harm, violence, and harassment. The law also defines "journalists" in both the offline and online spheres.
8. Pakistan has a Right to Information law since 2002 entitled "Freedom of Information Ordinance[9]", which was last modified in 2017.

Implementation of the law:

9. Under PECA 2016, the Federal Investigative Agency (FIA) has the authority to investigate the offences defined under the law. FIA is required to submit half yearly performance reports to Parliament. The National Assembly standing committee on Defence has observed that there is a lack of coordination between relevant ministries, relevant institutions regarding cybercrimes/other issues.[10]
10. Moreover, relevant government institutions such as Pakistan Electronic Media Regulatory Authority (PEMRA) and Pakistan Telecommunication Authority (PTA) continue to monitor and regulate information/content.
11. Although the Protection of Journalists and Media Professionals Act 2021 has been formulated, it is yet to be implemented.
12. Robust access to information laws have been enacted at federal and four provincial levels. While information commissions have been formed under the law, designating public information officers, and proactive sharing of

[8] https://na.gov.pk/uploads/documents/1636461074_763.pdf
[9] 1506960942_594.pdf (na.gov.pk)
[10] https://na.gov.pk/en/pressrelease_detail.php?id=4384

public information is still lagging.

Safety of journalists:

13. As at 16 May 2022, UNESCO's observatory of killed journalists has registered 80 killings of journalists in Pakistan since 2006, when the organization began systematic monitoring.[11] Pakistan acknowledged receipt of the 2021 Director-General's Request for information on judicial follow-up of killings of journalists but did not provide concrete information on the status of cases. Out of the 80 registered cases, only two are considered resolved by UNESCO.

III. Review and specific recommendations

A. Education

Free and compulsory education

14. In the last cycle, the country was recommended to step up efforts to ensure provision of free and quality primary and secondary education (152.223), to continue to invest resources to ensure access to education (152.227, 152.222 and 152.233), especially in rural areas (152.237).
15. The government of the Balochistan province has beneficiated from a Global Partnership for Education's funding thanks to which it established over 550 new government primary schools and upgraded more than 100 other primary, middle and high schools.[12]

Government expenditure on education

[11] https://en.unesco.org/themes/safety-journalists/observatory/country/223791
[12] See: https://www.globalpartnership.org/blog/thirst-education-balochistan

16. In the last cycle, the State was recommended to increase government spending on education (152.230, 152.225). However, according to UIS data, the spending dedicated to education has been reduced, from 3% of GDP in 2016 to 2.7% of GDP in 2017 and only 2.5% in 2019.[13] The spending on education as a percentage of public expenditure has also dropped in 2019 to 11,6% comparing to 15,1% in 2016.[14] The country could be recommended to increase the finance allocated to education, to spend at least 4% to 6% of gross domestic product (GDP) or at least 15 to 20% of total public expenditure, as set in the Framework for Action.

Non-discrimination and Inclusion

17. During the last cycle, recommendations were made to implement federal and provincial laws on the right to education to ensure universal access without discrimination (152.226) and to continue efforts to increase enrolment rates at all levels for all children, regardless of gender, income level or background (152.232, 152.224, 152.225, 152.229).
18. In 2018, the government adopted a law that prohibits discrimination against transgender people in education and establishes their right to education and a 3% quota for transgender children in mainstream public and private education institutions.[15]
19. In 2019, a policy that established admission quotas for students with disabilities was introduced. Tertiary education institutions were asked to exempt candidates with

[13] UIS data: http://uis.unesco.org/en/country/pk
[14] Ibid.
[15] UNESCO. 2020. Global Education Monitoring Report 2020: Inclusion and education: All means all. Paris, UNESCO. p.35.

disabilities from admissions tests, relax age limits, provide fee concessions and offer appropriate examination modalities.[16]

20. However, at primary level, while the gross enrolment ratio was of 95.48% in 2019, the percentage of female was only of 89.24% while the percentage of male was of 101.29. At secondary level, the gross enrolment ratio is drastically lower, and reaches only 44.87%, with 41.59 of female and 47.9% of male.[17] While the gap in enrolment ratio between male and female reduces after the primary level, the gross enrolment ratio is also heavily impacted and is only of 12.2% at tertiary level, with 12.1% of female and 12.3% of male.[18]

Age of marriage

21. Several recommendations were made to increase the age of marriage to 18 years old in all provinces (152.268, 152.273, 152. 274, 152.276, 152.277). However, the child act still provides for a minimum age of marriage at 16 for girls and 18 for boys.

Covid-19 pandemic & digital education

22. The Initiative on the Evolving Right to Education highlighted the need to ensure digital skills and digital inclusion. The pandemic has significantly increased education challenges in Pakistan where access to internet and digital services is a major issue, with girls being less likely than boys to have such access and teachers not trained to manage remote learning. The country adopted a national education responses and resilience plan for Covid-19,[19] which has three priorities: continuation of learning; system strengthening and resilience, and addressing health (physical and psychosocial) hygiene and safety. UNESCO and UNICEF have issued a case study on Pakistan in 2021[20] in which several recommendations ate provided, including: "Plans to digitalize Pakistan should include a provincial forward plan indicating when each school in the province will have access to the internet", and to include in the digital

[16] Ibid, p.56.
[17] Ibid. UIS data
[18] Ibid.
[19] Available at: https://planipolis.iiep.unesco.org/sites/default/files/ressources/pakistan_national_education_response_resilience_plan_covid-19.pdf
[20] UNESCO and UNICEF. Pakistan case study. Situation analysis on the effects of and responses to Covid-19 on the education sector in Asia. 2021. https://unesdoc.unesco.org/ark:/48223/pf0000379516

master for the country an equity focus on marginalized children, guidance for provinces in their engagement with the private sector, and risks and mitigation strategies for digitalization, among others.[21]

Specific recommendations:

23. Pakistan should be encouraged to:

i. Ratify the Convention against Discrimination in Education.
ii. Reformulate the provision of the Constitution to provide explicitly that education is a right for everyone within the territory.
iii. Increase the investment in education to at least 4% of the GDP or to at least 15% of the total public expenditure.
iv. Pursue its work on strengthening the education system, especially in rural areas.
v. Continue is efforts to implement laws and policies to ensure universal access to education, in particular to strengthen efforts to retain boys and girls in education after primary education.
vi. Raise the minimum age of marriage to 18 years old for girls.
vii. Continue to enhance the digital inclusion of learners and teachers while ensuring their protection and privacy online.
viii. Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education.
ix. Share with UNESCO any relevant information to update its country profile on online monitoring tools: UNESCO's Observatory on the Right to Education[22] and HerAtlas: Monitoring the right to education for girls and women.[23]

B. Freedom of opinion and expression

24. It is recommended that Pakistan amends existing laws such as PECA 2016, Citizen Protection Against Online Rules 2021, considering the international human rights standards and clarify ambiguities mentioned in the laws.

[21] Ibid, p.54.
[22] http://www.unesco.org/education/edurights/index.php?action=countries&lng=en
[23] https://en.unesco.org/education/girls-women-rights

25. It is recommended that Pakistan adopts more inclusive, transparent, and open consultative processes to draft policies and laws pertaining to freedom of expression.
26. Pakistan is recommended to pay special attention to the judicial oversight in the implementation of the existing laws especially PECA 2016 and strengthen accountability measures (consistency of progress reports to be submitted) ensured under the law.
27. The government of Pakistan is urged to continue to investigate cases of journalists killed and to voluntarily report on status of judicial follow up to UNESCO.
28. Pakistan is recommended to pay special attention to the issues faced by women journalists, including the implementation of reporting and safety mechanisms.

C. Cultural Rights

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Pakistan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Pakistan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations as well as groups in vulnerable situations (i.e. minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities, etc.), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

30. Pakistan did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore, Pakistan is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by

it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Pakistan is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Pakistan is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.