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Pakistan

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I. Introduction

1. Pakistan is democratic country with an elected parliament, an independent judiciary, a free media and a vibrant civil society. Together, these provide safeguards for the protection of human rights and fundamental freedoms of all citizens of Pakistan. These rights are guaranteed by the Constitution and protected by a robust legal framework.

2. This report highlights the progress made in human rights since 2008 and gives an update on implementation of recommendations accepted by Pakistan during its first Universal Periodic Review (UPR). To get a complete picture this report may be read together with the first UPR Report.¹

II. Methodology (Recommendations 10 and 39)

3. Following completion of its first Universal Periodic Review, Pakistan initiated a process of consultation and dissemination of information. Recommendations of the Human Rights Council were shared with the relevant government departments for follow-up.

4. The process of preparation of the second UPR Report started in November 2011, with a national level consultative process. This process included federal and provincial ministries and departments, representatives of civil society, media, research and academic institutions, human rights entities and relevant international organizations in Pakistan.² Particular effort was made to ensure maximum participation of women and departments and organizations representing their interests.

III. Restoration of civil liberties and protection of human rights (Recommendations 14 and 16)

5. Democracy was restored in Pakistan in 2008 after nine years of military rule. The most important task before the new Government was to restore the democratic nature of state institutions by removing all vestiges of dictatorial rule.

6. Members of the superior judiciary who had been in custody and/or made dysfunctional were freed and reinstated. On July 31 2008, the Supreme Court declared the imposition of November 2007 emergency and actions taken under it as invalid and unconstitutional.

7. The government released all political prisoners, restored civil liberties, lifted curbs against the media and dropped legal proceedings against lawyers and human rights defenders. Today there are no political prisoners in Pakistan.

IV. Constitutional amendments and reforms (Recommendations 14 and 15)

8. In April 2010, the Parliament unanimously passed the 18th Amendment to the Constitution and closed the loopholes exploited by dictators - thus restoring the original spirit of the 1973 Constitution. Aberrations introduced by military rulers to the Constitution were removed and safety mechanisms against forces inclined to subvert the democratic process were strengthened. As a result of these changes all executive powers now rest with the directly elected Prime Minister.

9. The 18th Amendment has given more financial and administrative autonomy to the provinces and transferred subjects of health, education, housing, social welfare, women development, water and sanitation to the provinces. It has further strengthened the human rights guaranteed under the Constitution. The Right to Education (Article 25A), Right to Information (Article 19A) and Right to Fair Trial (Article 10A) have been established as fundamental rights which cannot be suspended.

10. Parliament subsequently passed the 19th Amendment (2011) and 20th Amendment (2012) to the Constitution to further strengthen the Election Commission of Pakistan, by making it more independent and impartial.

Judiciary

11. To ensure judicial independence and increase their autonomy, a new method for appointment and dismissal of Judges to the Supreme Court and High Courts has now been established.³ A clear mechanism has also now been established for appointment of judges.

12. Under the new system, a Judicial Commission of Pakistan headed by the Chief Justice of Pakistan will nominate individuals for appointment of judges of the superior judiciary. The Members of this Commission would include: Four senior-most judges of the Supreme Court; a former Chief Justice or former Judge of the Supreme Court of Pakistan; Federal Minister for Law and Justice; Attorney General of Pakistan and Senior Advocate of the Supreme Court of Pakistan.

13. Composition of the Commission for appointment of judges to the High Court would also include: Chief Justice of the concerned High Court; the senior-most judge of the High Court; Provincial Minister for Law and a senior advocate.

14. The Commission, by majority, will nominate one person for each vacancy to the Parliamentary Committee. The Parliamentary Committee may deny the nomination within fourteen days by three-fourth majority of its total membership.

15. The vision behind these changes is to strengthen democracy and improve local ownership. Devolution will help in bringing development to the grass-root level and ensure better governance and service delivery to the public. Administratively some challenges have arisen as the transfer of subjects from federation to the provinces takes place. The foremost among these is the capacity of the provinces to deal with the new subjects. Efforts are underway to enhance their capacity. Despite these short-term teething problems there is national consensus that this arrangement is the way forward for strong democratic governance in the country.

V. Legislation to promote human rights and democracy (Recommendation 13)

16. 2008–2012 has been the most active period of legislation-making on human rights in the history of Pakistan. A number of bills⁴ were passed by the Parliament to strengthen human rights including on the creation of a National Commission for Human Rights in accordance with Paris Principles.

17. Some long overdue changes were made to administrative governance in the Federally Administered Tribal Areas (FATA). Following amendments to the age-old Frontier Crimes Regulation (FCR) in 2011, the arbitrary powers of the local administration to make arrests and detain individuals were curtailed and prisoners given the right to bail. A FATA Tribunal has been established with powers to revise orders/judgments and to inspect

jails. An individual can no longer be deprived of his property without adequate compensation as per prevailing market value.

18. Furthermore, in 2011 the Political Parties Order 2002 was extended to Federally Administered Tribal Areas. Political parties can now open their offices and campaign there. This change fulfils a longstanding demand of the political parties and the people of FATA.

VI. Institutional arrangements for protection of human rights (Recommendations 5, 9, 29 and 40)

A. Parliamentary Committees on Human Rights

19. The National Assembly and the Senate have Standing Committees on Human Rights. These are mandated to provide oversight on public policy, monitor the human rights situation in the country, receive complaints on human rights violations, conduct inquiries, hold hearings and make recommendations. The Committees have been instrumental in the passage of a broad range of legislation relating to human rights.

B. Human Rights Cells at Courts

20. The Supreme Court of Pakistan has set up a Human Rights Cell to address human rights violations. The Cell functions under the direct supervision of the Chief Justice. Cases warranting urgent relief and/or constituting a pattern of human rights violations are taken up by the Court under its suo motu powers. The cell is thus providing an expeditious and inexpensive remedy to the citizens without going through the traditional protracted litigation process. Similar cells/mechanisms also exist in provincial High Courts.

C. Election Commission

21. The Election Commission is responsible for organizing elections and making arrangements to ensure that elections are conducted transparently, fairly and in accordance with the Law. With recent changes in the Constitution,⁵ the Election Commission has been made fully independent and free of political or administrative influence. Under the new system, the Prime Minister, after consultation with the Leader of the Opposition in the National Assembly, forwards three names for Chief Election Commissioner to Parliamentary Committee for hearing and confirmation. This ensures appointment of individuals with impeccable credentials and a reputation of integrity, honesty and impartiality.

D. Ministry of Human Rights (MOHR)

22. The Ministry of Human Rights, established at the federal level in November 2008, is the lead department in the administrative branch of the government on human rights issues. It continuously monitors and review human rights situation in the country and makes policy recommendations. MOHR has its Directorates in all the provincial capitals. Similarly, the provincial governments have set up their own Human Rights Departments/Cells to address human rights issues.

E. National Commission for Human Rights (NCHR)

23. In May 2012, Pakistan enacted a new law creating an independent National Commission for Human Rights in accordance with Paris Principles. NCHR will monitor the general human rights situation in the country; inquire into complaints of human rights violations; visit places of detention; review laws and recommend new legislation; and develop national plan of action for promotion and protection of human rights. The Commission will have the authority to summon witnesses and seek production of documents.

24. The Commission will be headed by a person who has been, or is qualified to be, a judge of the Supreme Court or a person having 'demonstrable knowledge of, or practical experience in, matters relating to human rights'.⁶ One member of the Commission will be from minorities and at least two will be women. Members will be appointed by a bipartisan Parliamentary Committee. The nomination process for the members of the Commission is underway.

F. National Commission on the Status of Women (NCSW)

25. A National Commission on Status of Women has been in place since July 2000. In March 2012, a new law was enacted to strengthen the Commission and make it more independent.

26. Under the new arrangement, the Chairperson of NCSW will be nominated in consultation with the Leader of the Opposition in the National Assembly. A Parliamentary Committee, having equal representation from the Treasury⁷ and Opposition benches, will confirm the nominee. The Commission will examine policies, programmes and other measures of the federal government on gender equality, review all federal laws, rules and regulations and monitor implementation of international instruments ratified by Pakistan. It will have the powers vested in a civil court for enforcing the attendance of any person and compelling the production of documents.

VII. International instruments, regional initiatives and UN human rights machinery

A. Ratification of international human rights treaties (Recommendation 28)

27. In April 2008, Pakistan ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). Pakistan ratified International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture (CAT) in June 2010. In August 2011, Pakistan ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

28. Pakistan has now ratified seven out of the nine core international human rights treaties. These measures demonstrate Pakistan's commitment to international human rights standards. We are now focused on implementing these instruments at the national level. An inter-ministerial process has been set up to coordinate implementation and to prepare reports for the treaty bodies.

B. Human Rights Council (Recommendations 41 and 42)

29. Pakistan is a strong proponent of an effective and robust human rights machinery of the United Nations. As a founding member of the Human Rights Council, it has made constructive contribution to the promotion and protection of human rights. It supports the promotion of universally agreed human rights based on the principles of cooperation, non-discrimination, impartiality and genuine dialogue. We are opposed to “naming and shaming”, which is counter-productive and leads to politicisation of the cause of human rights. We believe that cooperative approaches at the international level help in making tangible progress in the promotion and protection of human rights.

30. As Coordinator of the OIC Group on Human Rights and Humanitarian Affairs in Geneva, Pakistan has participated in and leads major initiatives to promote inter-cultural dialogue and harmony and helped develop consensus on contentious and divisive issues in the Human Rights Council. It played a lead role in forging consensus on the Resolution 16/18 “Combating Intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief” at the 16th Session of the Human Rights Council. It has also helped in building common ground on contentious issues like Freedom of Religion and Freedom of Expression.

31. Pakistan attaches high importance to constructive engagement and dialogue with the UN Special Procedures and the Office of the High Commissioner for Human Rights. We recognize the valuable contributions of the Special Procedures in the promotion and protection of universally agreed human rights.

32. The High Commissioner for Human Rights visited Pakistan from 4-8 June 2012 at the invitation of the Government of Pakistan. During her visit she met with the political leadership, Chief Justices of the Supreme Court and Lahore High Court and a broad range of civil society representatives. The visit provided her an opportunity to observe first-hand the wide-ranging measures taken by Pakistan in promotion and protection of human rights.

C. Invitation to special procedures (Recommendation 30)

33. Pakistan has extended invitations to three Special Procedures of the Human Rights Council for visits in 2012. Special Rapporteur on the Independence of Judges and Lawyers visited Pakistan from May 19–29, 2012. During her visit, Ms. Gabriela Knaul met with the Chief Justices of the Supreme Court and Lahore High Court, visited Courts of First Instance and interacted with a broad range of civil society representatives.

34. The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and Working Group on Enforced or Involuntary Disappearances will be visiting Pakistan in the second half of 2012.

D. Regional initiatives

35. Pakistan has demonstrated its commitment to promotion of human rights by joining international and regional initiatives. It has played a leadership role on human rights issues in OIC⁸ and SAARC.⁹ It was one of the leading voices calling for creation of the OIC Commission on Human Rights. Created in 2011, the Commission is mandated to advance human rights and support the OIC countries in their efforts to consolidate civil, political, economic, social and cultural rights. We have high hopes for the future of this Commission, which held its first session in February 2012.

36. In a meeting¹⁰ held in Islamabad in May 2005, SAARC decided to establish the South Asia Forum for Ending Violence Against Children (SAF). In June 2010, the Forum was transformed into the South Asia Initiative to End Violence Against Children (SAIEVAC). SAIEVAC is an inter-governmental body that aims to provide all South Asian Children with an environment free from neglect, violence, abuse, discrimination and exploitation. It focuses on issues of corporal punishment, child labour, early marriage, trafficking, sexual abuse and exploitation. Pakistan accords high priority to this institution and is committed to further strengthen it.

37. Pakistan is also an active participant of the SAARC Gender Database that compiles comprehensive regional data on gender issues including violence against women, trafficking in women and girls, and on indicators relating to women's health and HIV/AIDS.

VIII. Rights of individuals and vulnerable groups

A. Women (Recommendations 2, 3, 4, 5, 6, 7, 8, 9, 17 and 20)

1. Political participation of women

38. Women have played an active and crucial role in politics throughout our history. They have held the highest political office, led the movement for restoration of democracy and championed the cause of human rights. During the period 2008–12, women continued to play an active role in politics.

39. The number of women in elected positions has shown steady increase. They hold 22.2 percent seats in the National Assembly, 17 percent seats in the Senate and 17.6 percent seats in the Provincial Assemblies. Pakistan elected its first woman Speaker of the National Assembly in 2008. Deputy Speaker of the Provincial Assembly of Sindh is also a woman.

40. Women parliamentarians are among the most active legislators. They head 5 Standing Committees of the National Assembly and 5 Committees and one Sub-committee of the Senate. They have organized themselves across party lines and political persuasions. In 2008, a Women Parliamentary Caucus was inaugurated under the patronage of the Speaker of the National Assembly. Comprised of women parliamentarians from all political parties, the Caucus has played a leadership role in introducing landmark legislation on women and child rights and developing national consensus on human rights issues.

41. Several women have served and are serving as Ministers in the federal and provincial governments including Ministries of Foreign Affairs, Information, Health and Social Welfare and Women Development. In 2011, the first female Foreign Minister was appointed. Under her leadership, women continue to play a prominent role in diplomacy. They constitute 13.86 percent of the diplomatic cadre and 18.39 percent of officers at ambassadorial rank are women.

2. Legislation on women issues

42. During the last four years there has been significant advancement in legislation on women issues and more than half a dozen laws have been enacted for the protection and promotion of women rights and protecting them against violence.

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011

43. The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 has strengthened protections for women against discrimination and harmful traditional

practices. It criminalizes forced marriages, child marriages and other customary practices that are discriminatory towards women. Forced marriage is now punishable with imprisonment of up to 10 years and a fine of PKR 500,000. The law also bans depriving women from inheriting property through any deceitful or illegal means and is punishable with an imprisonment for 5-10 years and fine up to PKR one million. The practice of so-called "Marriage to the Quran"¹¹ in order to deprive them of their right to inheritance has also been criminalized and carries a sentence of 3 to 7 years.

Acid Control and Acid Crime Prevention Act

44. Parliament passed the Acid Control and Acid Crime Prevention Act in 2012. It prescribes an imprisonment of not less than 14 years and a minimum fine of PKR 1 million for those who disable, disfigure or deface any person by throwing corrosive substances at them.

Laws on Sexual Harassment

45. In March 2010, two laws against sexual harassment were enacted. The Criminal Law Amendment Act 2012 amended the Penal Code and the Code of Criminal Procedure to criminalize harassment at public and work places. Sexual harassment is now punishable with imprisonment of up to 3 years or a fine of PKR 500,000 or both. Protection against Harassment at the Workplace Act 2010 defined harassment and outlined a Code of Conduct for workplace. In implementation of this Act, Government departments have established departmental committees to inquire and address harassment cases. As prescribed in the Act, an Ombudsperson has been appointed at the federal level to hear complaints of sexual harassment as an appellant authority.

Domestic Violence (Prevention and Protection) Bill

46. A Domestic Violence (Prevention and Protection) Bill is under consideration of the Parliament.

3. Institutional mechanisms and measures for protection of women

47. We are conscious that women encounter many challenges in their everyday lives. Steps have been taken to increase their participation in political and economic fields, enact laws to protect them against harassment, violence and discrimination and to improve their access to education and health. Besides taking legal measures to provide protection to women, a number of new administrative measures have been taken. These include:

- At the direction of the Supreme Court, the High Courts and the Bar Associations have set up legal aid committees to help women victims in cases of *vani*¹² and *swara*.
- The Women in Distress and Detention Fund was made functional in 2012 to extend financial and legal assistance to women in jail and to other destitute women.
- Shaheed Benazir Bhutto Centers for Women have been set up to provide immediate relief to female victims of violence. Each Centre has a management committee which includes representatives from the civil society. The centers have panels of lawyers at their disposal to assist women in need of legal aid.
- Dar-ul-Amaans provide protection and shelter to women in distress. Services offered include: health and vocational training, to women under the supervision of trained sociologists and psychologists.

- To facilitate women, eleven exclusive women police stations are working in the four provinces and the federal capital. These are in addition to regular police stations where there is increased emphasis on gender sensitivity.
- Gender issues are now integrated into the curriculum of training institutes for judiciary, police and other government officials.
- A Gender Crime Centre functions in the National Police Bureau (NPB). Programmes developed by the Centre have been included in police training institutes.

4. Women's economic empowerment

48. The share of women in employment has increased steadily over the years. All government jobs are open to women including the armed forces and police. A 10 percent quota has been reserved for women in the federal services while Punjab and Sindh have announced 15 percent and 25 percent quota respectively for women in provincial jobs.

49. We hope that with passage of protection laws for women against harassment at workplace¹³ more women would feel encouraged to enter the workforce and join fields, traditionally dominated by men. The Government for its part, would continue to create conducive conditions for more women to join the workforce.

50. As women get more employment opportunities and become economically independent, they have been able to secure the rights guaranteed to them under the Constitution but denied because of social hurdles. Of these, the most important has been the legal right to own property, which is guaranteed under the Constitution. The recent amendments in criminal law¹⁴ related to prevention of anti-women practices have criminalized the practice of depriving women of their right to inheritance. The provincial government of Punjab has announced that to give security to women, couples will have joint title in government housing schemes for low income families.

5. Traditional jirgas and honourcrimes

51. Traditional jirgas¹⁵ play an important role in peaceful settlement of small disputes at the village level. There have been cases where the jirgas have overstepped their authority and taken decisions on criminal matters, which do not fall within their mandate. The Government takes punitive action against members of jirgas when these take illegal action or make decision that infringe on human rights. The courts have taken serious notice of these illegal decisions and nullified such verdicts.

52. In April 2004, Sindh High Court imposed a ban on holding jirgas in the province.¹⁶ In 2008, the Sindh Government issued directives to all District Police Officers to ensure a complete ban on holding illegal jirgas and arresting those involved. Follow-up implementation has had mixed results. Despite the verdict of the Sindh High Court there have been reports of illegal jirgas being held in some parts of the country.

53. The Criminal Law (Amendment) Act 2004 criminalized harmful traditional practices. It specifically criminalizes giving women in marriage in settlement of disputes. The Act also criminalizes all murders committed in the name of 'honour.'¹⁷ It prescribes severe punishment to the perpetrators, aiders, abettors and supporters of such crimes.

54. We are conscious that traditional mindsets do not change only through passage of laws and punitive measures. It is important to increase awareness and improve gender sensitivity in the society. Media and civil society have played a positive role in highlighting this issue and saving many women. With the enhanced focus and pro-human rights approach of the courts, media and the civil society, increasing reporting of incidents of honour killings has brought a change in social acceptance of such incidents.

6. Trafficking in women and children

55. Trafficking in women and children is an issue of serious concern to the Government of Pakistan. The framework for protection of persons from trafficking is provided by the Prevention and Control of Human Trafficking Ordinance (PACHTO) 2002. The Ordinance prohibits all forms of transnational trafficking in persons and prescribes imprisonment ranging from 7 to 14 years for those responsible. Federal Investigation Agency (FIA) has established anti-trafficking units to protect potential or actual victims of trafficking and investigate and prosecute suspected human trafficking crimes. The law enforcement agencies coordinate with civil society organizations, lawyers, prosecutors, community leaders and the media to raise general awareness on the laws relating to trafficking in human beings, in providing relief to victims of trafficking and in establishing shelters for them.

B. Children (Recommendations 11 and 12)

56. Pakistan is party to the Convention on the Rights of the Child (CRC). In July 2011, it ratified the Optional Protocol of the CRC on the Sale of Children, Child Prostitution and Child Pornography.

57. A National Commission for Child Welfare and Development (NCCWD) is tasked with assessment and promotion of child rights in Pakistan. It oversees, monitors and facilitates implementation of the Convention of the Rights of the Child and other international and regional legal instruments on child rights. It works closely with provinces, which have the prime responsibility to legislate and take measures for child protection.¹⁸

1. Legislative measures

58. A Charter of Child Rights Bill, introduced in the National Assembly in 2009, is in final stages of parliamentary approval. The bill aims to strengthen the NCCWD and transform it into a Commission on Child Rights with the primary responsibility of implementing and monitoring the Charter of Child Rights.

59. In Sindh, Child Protection Authority law was passed in 2011. Under this law an 11-member authority has been set up to coordinate and monitor child protection issues at provincial and district levels. The Authority would establish an institutional mechanism for child protection and set minimum standards for all institutions relating to children, including educational institutions, orphanages, shelter homes, child parks and hospitals, and ensure implementation.

60. In 2010, Khyber-Pakhtunkhwa¹⁹ passed the Child Protection and Welfare Act 2010. Under this Act, a Child Protection and Welfare Commission has been set-up. The Commission reviews provincial laws and regulations affecting the status and rights of children and proposes new laws; implements policies for protection, rehabilitation and reintegration of children at risk; monitors implementation and violation of laws relating to child protection including prevention of child labour, sexual abuse and exploitation, prostitution, pornography and trafficking. Each administrative district of the province will have a Child Protection Unit led by a Social Welfare Officer. These units will develop consultative community structures and support initiatives for prevention of abuse, neglect and exploitation. The law also provides for Child Protection Courts to address cases of child welfare.

2. Administrative measures

61. In addition to the recent legislative measures, a number of administrative steps have been taken for protection of child rights:

- The federal and the provincial governments have developed a Child Protection Management Information System (CPMIS). CPMIS is a national monitoring system to collect district-level data on five areas of child protection, namely juvenile justice, child trafficking, sexual exploitation, violence against children and family environment/alternative care. The objective is to assess the situation of child rights in the country and make informed policy decisions.
- A National Child Protection Centre (NCPC), set-up in 2007, provides temporary shelters to child victims of violence and homeless, street and runaway children. It also provides psychological counseling and social legal and medical assistance and helps in rehabilitation, reunification and reintegration of these children. It has a National Child Protection Helpline & National Child Protection Network with stakeholders throughout the country.
- Children Complaints Offices have been established in the secretariats of Federal and Provincial Ombudspersons to address the concerns and complaints regarding child protection in schools, residential institutions and public services.
- In March 2011, Punjab established a Child Protection and Welfare Bureau to protect and rehabilitate destitute and neglected children by providing them opportunities for education and personal development.
- The Pakistan Bait-ul-Maal operates Sweet Pakistan Homes across the country for orphan, destitute and homeless children. The Homes give protection to these children and provide them quality education, health and better living conditions. All four provinces have set up welfare homes for destitute children to rehabilitate lost, runaway, kidnapped children and children victims of violence.
- Child Protection/ Education and Counseling Centres have been established with support from UNICEF. These Centres provide non-formal education, psychological counseling and legal aid to street children, working children and children victims of violence and commercial sexual exploitation.

C. Religious minorities (Recommendation 1)

62. Religious minorities enrich the cultural diversity of Pakistan. They have made invaluable contributions for the development, peace and prosperity of the country. Protection of the rights of minorities is a Constitutional requirement. The Constitution of Pakistan guarantees equal rights and status to all citizens, irrespective of race, religion, caste, or place of work.²⁰

63. Following the abolition of separate electorate in 2002. Minorities can contest any seat in the Parliament and the provincial legislations. In addition, separate seats have been reserved for them in each of these legislative bodies. 4 seats in the Senate are now reserved for minorities.²¹ They already have 10 reserved seats in the National Assembly. Similarly, all provincial assemblies have reserved seats for minorities. In addition, a 5 percent employment quota has been fixed for minorities in all federal services.

64. The National Commission for Minorities, headed by the Minister for National Harmony, was established in 1993. It is a multi-party forum formed to protect religious, social and cultural rights of the minorities. In November 2008, the Commission was reformulated to recommend steps for ensuring effective participation of minority groups in national life and to review any anti-minority discriminatory policies or laws. It actively considers and makes recommendations on issues of concern to minorities. It also hears their grievances and representations and recommends holy days of minorities to be celebrated on national and provincial level.

65. Interfaith dialogue and understanding is crucial in raising the culture of tolerance and respect for religious minorities. In July 2011, to further the objective a Ministry of National Harmony was created at the federal level. It is responsible for oversight and coordination on issues relating to religious minorities. The Ministry liaises with Inter-faith Harmony Committees that exist in every administrative district of the country to promote good relations between followers of different faiths. Since 2009, August 11²² is commemorated as Minorities Day to promote tolerance and respect for minorities, highlight issues of concern to them and to celebrate religious diversity in Pakistan. Their religious days are recognized as public holidays for them.

D. Temporarily dislocated individuals (Recommendation 38)

66. The massive floods and rains of 2010 and 2011 caused dislocation of 2.6 million people. Extremist threat and the ensuing law enforcement action in Swat also resulted in displacement of a section of the local population.

67. Despite the unprecedented nature of these challenges, the relief efforts were swift and orderly. Early mobilization of resources, both human and financial, ensured timely assistance to affected communities in terms of shelter, food, health, water and sanitation. During the relief and recovery phase, an effective coordination between authorities at the federal and provincial level and the dynamic synergies between the Government, International Organizations, Civil Society organizations and local communities was realized.

68. As water receded from their homes the dislocated individuals began returning home. An overwhelming number of the displaced have returned to their homes. Pakistan will continue to provide basic facilities and protection to the temporarily dislocated individuals with special focus on women and children.

69. The National Disaster Management Authority and the Provincial Disaster Management authorities established to provide emergency assistance and relief during natural calamities have fully integrated human rights and gender sensitive training in their activities.

E. Refugees (Recommendations 25 and 26)

70. Pakistan has hosted one of the world's largest refugee populations for more than 30 years. Presently 1.7 million Afghans refugees are registered with UNHCR. 83,000 births every year is adding to the Afghan population.

71. Even though Pakistan is not a state party to the 1951 Refugee Convention, it has demonstrated respect for international principles relating to refugee protection. The Afghan refugees are covered under the Management and Repatriation Strategy for Afghan Refugees in Pakistan (AMRS) of 2010.

72. Despite drastic reduction in international assistance, we continue to host the refugees in spirit of our traditional hospitality. Their treatment has been humane despite the social, economic and security problems caused by their continued presence in host communities. Expenditure of the GoP and pressure on educational and health facilities.

73. We believe that as part of the end game in Afghanistan, return of Afghan refugees to their homes in honour and dignity should be a top priority so that they can play a role in the reconstruction of their country.

IX. Civil and political rights

A. Freedom of religion

74. For centuries the land of Pakistan has been host to various religions whose followers have lived in peace and harmony. Minorities have the constitutional right to freely profess their religion and visit their places of worship.²³

75. As a fall-out of the Afghan Jihad against the Soviet Union, certain extremist elements have propped up in the society and pose a threat to Pakistan's peaceful and tolerant society. Extremists are targeting not just the minorities but also the vast majority of Muslims who are moderate and do not subscribe to their extremist agenda. Pakistan has lost many bold voices advocating tolerance and respect. These include Governor Salman Taseer and Federal Minister for Minorities Shahbaz Bhatti.

76. We are committed to preserving our way of life, fighting against obscurantist forces and protecting religious minorities. We share concerns about instances of misuse of the "Blasphemy Law", which is neutral in nature. There have been instances of misuse of this law by vested interests. There is a misunderstanding that this law is used to target minorities. The fact is that it is generally invoked against people of all faiths, mostly Muslims, to settle personal disputes. Cases involving minorities generally get more media and public attention.

77. Government has taken measures to address these abuses. The law²⁴ provides that investigation of a case of blasphemy shall be conducted by a police officer not below the rank of Superintendent of Police. The police deal with these cases with the attention these deserve. High Courts invariably overturn any case of wrongful conviction. We will continue to protect the rights of all citizens including the minorities and preventing any misuse or abuse of the blasphemy law, while also ensuring respect for the laws of the country.

Forced conversions

78. Pakistan law strictly forbids forced conversions. Islam also forbids this practice. The Supreme Court has actively pursued cases related to forced conversion and discouraged it. In such cases, the courts have ensured that concerned individuals have an opportunity to express their wishes to convert (or complain about any threat/pressure they may be facing) in complete privacy and safety. The Supreme Court has also given them a period of reflection away from all sources that may influence their decision.²⁵ The Commission on Minorities is also seized of the matter and is in the process of preparing recommendations for discouraging this practice.

B. Freedom of expression (Recommendation 21)

79. Pakistan attaches high importance to the promotion and protection of the right to freedom of opinion and expression. This is a hard fought right for which many sacrifices have been made. Following the restoration of democracy in 2008 all curbs against the media were lifted. The "Right to Information"²⁶ is now guaranteed by the Constitution as a fundamental right.

80. Media in Pakistan is completely free. Over a 100 media channels frequently highlight political, social and human rights issues and lead the national debate on issues of public importance. Press Council of Pakistan is an autonomous and independent statutory body which is entitled to receive complaints of interference by media personnel against

“Federal Government, provincial government or any other organization” in free functioning of the media. It can also appoint enquiry commissions to deal with such cases.

81. Pakistan cooperates with United Nations Special Rapporteur on Freedom of Opinion and Expression. We consider it an important procedure. An invitation has been extended to the Special Rapporteur to visit Pakistan in the later half of 2012.

C. Enforced disappearances

82. The issue of enforced disappearances and missing persons has been at the forefront of national debate in Pakistan. The Supreme Court took suo motu notice of reports of missing persons and directed all institutions of the state to take concrete measures for recovery of the missing persons.

83. Upon orders of the Supreme Court, a Commission of Inquiry on Enforced Disappearances was established with the responsibility to inquire into these cases. It is chaired by a retired Justice of the Supreme Court. Out of a total of 106 cases referred to the Commission only 25 remain to be settled. The rest of the cases were resolved when the missing individuals were traced. Other cases were dismissed by the Court due to insufficient information.

84. Pakistan continues to cooperate with the UN Working Group on Disappearances. As a result of this close cooperation, a large number of cases have been clarified. We have also extended an invitation to the Working Group to visit Pakistan. This visit will take place in the second half of 2012.

X. Economic, social and cultural rights

85. Pakistan is a developing country with a population of about 180.71²⁷ million – making it the sixth most populous country in the world. It is a rapidly urbanizing country with an estimated 37 percent of the population living in cities. This rapid urbanization has increased the stress on the urban infrastructure especially on energy, climate, healthcare and educational facilities.

86. The meltdown of global economy in 2008 has had a profound effect on Pakistan’s economy. It increased inflation and made food commodities more expensive. The catastrophic floods of 2010 and 2011 affected around 20 million people and caused immense damage to infrastructure. Energy shortfall has increased exponentially in the last few years. These developments have adversely impacted the economic strength of the country, its ability to finance projects in the social sector and slowed Pakistan’s progress in achieving Millennium Development Goals (MDGs).

87. Despite economic constraints, efforts have been made to improve social-economic conditions of the citizens. The subjects of health, education, housing, social welfare, women development local government, water and sanitation have been devolved to the provinces.²⁸ The aim is to improve efficiency and effectiveness by increasing local ownership. With achievement of consensus on National Finance Award,²⁹ financial allocations to provinces have increased. Under the new formula, provinces will receive 57 percent of federal resources. The new funds would help support provincial investments in social sector and infrastructural / developmental projects.

A. Health (Recommendations 33 and 34)

88. Despite financial constraints budgetary allocations for health have increased. The total outlay of health sector at the federal level is budgeted at PKR 55.1 billion, which is equivalent to 0.27 percent of GDP during 2011-12. In 2010-11³⁰ it was 0.23 percent of GDP. With the devolution of the subject of health to provinces, the provincial budgets have increased considerably³¹ and local programmes have been introduced to improve healthcare access.

89. The Lady Health Workers (LHW) Programme was reinvigorated in 2008. An additional 20,000 LHWs were appointed during 2008-11 to provide primary healthcare facilities to people at their doorsteps in rural areas and urban slum communities. It covers over 65 percent of the target population. 9,500 Lady Health Workers (LHWs) have been trained and deployed mostly in the rural areas.³²

90. Despite some security problems, child immunization has advanced forward in collaboration with UNICEF and other partners. Some 7 million children have been immunized and 20 million packets of ORS have been distributed.³³

B. Education (Recommendations 3, 34 and 36)

91. The literacy rate in Pakistan is 58 percent.³⁴ It is higher in urban areas than in rural areas. There is also a disparity between men and women and between the provinces. Efforts are being made to remove this disparity and to increase emphasis on education. With the passage of the 18th Amendment to the Constitution, right to free and compulsory education is now recognized as a fundamental right.

92. In July 2012, the Parliament passed a bill to provide free and compulsory education to all children, aged between five and 16 years, in Islamabad. The aim of this is to start a national tradition for providing free education to all children. "Every child regardless of sex, nationality or race shall have the fundamental right to free and compulsory education in a neighbourhood school." It provides that both boys and girls of migrants, including non-Pakistani families should benefit from attending schools.

93. At the federal level, Higher Education Commission (HEC) awards scholarships for higher education in Pakistan and in select universities abroad. Furthermore, programmes like Presidents' Funni Maharat programme and Prime Minister's Hunarmand Pakistan Programme have been introduced to increase opportunities of vocational training to the youth. In 2011-12, a total of 134, 118 youth received this training.³⁵

94. In the Punjab province, a sum of Rs 10 billion have been allocated to the Punjab Education Foundation for promotion of school education in marginalised areas through public-private partnership. Under the Women Empowerment Plan launched in 2012, the Punjab government plans to earmark at least 70 percent of jobs for women in primary education. About 60 percent of the funds out of Punjab Education Sector Reforms Programme will be earmarked for the provision of missing facilities for girls' schools in the Annual Development Plan for 2012-13.

95. The Khyber Pakhtunkhwa Government has announced an educational emergency in the province aimed at improving literacy rates and standards of education. It has increased its educational budget to 4 percent of its GDP and has allocated 64 Billion PKR for education in the 2012-13 budget. The province has also introduced a policy of establishing daycare centers in women colleges to facilitate students and teachers.

96. In Sindh and Balochistan budget allocations for education have been increased considerably.³⁶ Sindh will spend PKR 9 billion on education while Balochistan has

allocated PKR 22.4 billion for the education sector, most of which would be spent on renovation of school buildings.

C. Housing (Recommendation 32)

97. In March 2008, Government announced a programme for the construction of one million housing units for low-income groups. State land in the federal and provincial capitals was identified and expressions of interest from private land developers obtained. These plans were undermined due to massive damage to infrastructure in the unprecedented floods and rains of 2010 and 2011 and prioritization of the affected areas. The funds were mostly channeled through the provinces.

98. The Khyber Pakhtunkhwa government has distributed more than Rs. 9.2 billion in compensation to 2010 flood victims to subsidize housing expenditure.

99. The Punjab government has announced a number of housing schemes for low income people in rural areas and urban slums. These include: Ashiana Housing Project for low income groups and Area Development Scheme for low and middle income groups in the cities; Regularization of *Kachi Abadis*,³⁷ which would benefit about 110,000 households; and regularization of residential occupancy of state land in villages by giving them ownership rights, which would benefit 700,000 households.

100. In 2009, Sindh decided to regularize 1,200 old villages and *kachi abadis* and gave ownership rights to the inhabitants. Over 56,000 acres of state land will be distributed to landless peasants. 70 percent of this land has been reserved for women.

D. Water and sanitation (Recommendation 34)

101. Pakistan held its first National Conference on Sanitation in May 2009, in which the Government reiterated the National Sanitation Policy 2006 and committed to increasing sanitation coverage to 100 percent by 2015. This was followed by the announcement in September 2009 of the National Drinking Water Policy. This policy aims to increase access to safe and affordable drinking water to the entire Pakistani population by 2025 and involves provision of water purification plants to every administrative district in Pakistan. A National Drinking Water and Sanitation Committee was established in 2009 to implement both the National Sanitation Policy (2006) and the National Drinking Water Policy (2009).

102. With an improved partnership of federal and provincial governments with international and local partners, the rate of access to safe drinking water and sanitation has improved. The sanitation situation at the household level has registered an improvement over the last few years. 66 percent of the population now has access to modern sanitation compared to 63 percent in 2008-09.³⁸ Similarly, in 2011 access to drinking water to urban and rural population of Pakistan is 94 and 84 percent, with an average of 87 percent in 2011.³⁹

E. Social security and poverty alleviation (Recommendations 35 and 43)

103. Traditionally, the social protection network at the federal level consists of Central Zakat Fund⁴⁰ and Pakistan Bait-ul Mal (PBM).⁴¹ These provide subsistence allowance to poor widows, orphans, disabled and the unemployed and support their medical treatment.

104. In 2008, Benazir Income Support Programme (BISP) was introduced to supplement the existing network and to provide immediate relief to low income families enabling them

to absorb the shock of rising prices of food and fuel. Since then, BISP has evolved into the country's main social safety net. It benefits more than 6 million families and provides health and life insurance, micro-credit and technical and vocational training. Women are its prime beneficiaries. BISP has an allocation of PKR 50 billion for fiscal year 2011-12. By March 2012, PKR 122 billion have been disbursed. BISP recipients are expected to increase to 7 million.⁴²

105. Pakistan Poverty Alleviation Fund provides an additional support mechanism for individuals in lower income category. The Fund supports micro-credit schemes, enterprise development, community-based infrastructure and energy projects, livelihood enhancement and protection, social mobilization, and capacity building. The overall disbursements for core operations during the period of July-December 2012 are PKR 8.5 billion.⁴³

F. Right to food

106. High food prices are undermining poverty reduction gains as food expenditure comprises a large share of total expenditure of a household. In March 2012, the Federal Government, in partnership with World Food Programme, launched a 5-year 'National Zero Hunger Action Program aimed at benefiting 61 million food insecure people across the country. In the first year, the program will reach 20 percent of the target population.⁴⁴

G. Labour rights (Recommendation 37)

107. Pakistan has ratified 35 ILO conventions including eight core Conventions. Right to freedom of association and formation of unions is guaranteed under Article 17 of the Constitution of Pakistan.

108. The period 2008-2012 saw the passage of far-reaching legislation and initiatives to improve the situation of workers. Following measures were taken:

- On 01 May 2012, the Prime Minister announced an increase of 14.28 percent in the minimum wage (PKR 8,000 from PKR 7,000).⁴⁵ The provinces are now in the process of passing enabling legislation to give effect to this announcement.⁴⁶
- The Industrial Relations Act of 2008 lifted curbs from trade union activities. The Labour Appellate Tribunals were also revived. The law was improved in 2012⁴⁷ to fill in the legal gaps that had arisen as a result of devolution.
- Following amendments to labour laws in 2008, a worker now receives 100 percent wages during the period of suspension for misconduct pending completion of the inquiry of case.
- The Employees' Old Age Benefits Act, 1976, was amended in 2010 to cover establishments employing five or more individuals. The minimum wage and retirement benefits were also increased.
- Through an amendment in the Service Tribunals (Amendment) Act 2010, the right of the workers in the public sector was restored to approach the labour courts, labour appellate tribunals and the National Industrial Relations Commission.
- In the Labour Policy of 2010, the Government made a commitment to full adherence to labour laws and promotion of worker-friendly environment in all establishments. Tripartite Monitoring Committees at district, province and federal level to monitor implementation of Labour Laws are being established. The age of entitlement of old-age pension has been reduced from 55 years to 50 years in case of mine workers.

- The Workers Welfare Fund provides support for housing facilities and marriage grant, death grant and scholarships for industrial workers and their families. During July-March 2011-12, PKR 2.5 billion were disbursed by the Fund.⁴⁸

XI. Terrorism and its implications for human rights (Recommendations 24 and 25)

109. Terrorism is a threat to open and moderate societies. Radicalization of youth and extremism in our region is direct fallout of prolonged instability in Afghanistan. As a result of this threat, our societal cohesion, internal stability and economic development have come under immense stress.

110. Since 2001, more than 40,000 Pakistani citizens including, members of the armed forces, have lost their lives in terrorist and suicide attacks. Extremists have targeted hospitals, schools, shrines, mosques, and other places of worship. This provides an environment of intimidation for law enforcements officials, members of judiciary and civil society activists. Despite this extremely challenging environment, Pakistani law enforcement agencies have acted with restraint. They maintain high standards of professional conduct and uphold human rights in dealing with militants.

111. Any complaints against law enforcement officials are taken seriously by the Government, their parent departments, Parliament and the courts. In May 2011 when security forces killed four Chechens and a Tajik in Kharotabad neighborhood of Quetta, a judicial tribunal was established to inquire into the incident. The tribunal's findings revealed that the victims in this case were not armed and that the security forces did not have a reason to open fire. It held four officials responsible for the killings and excessive use of force. Similarly, in June 2011 the killing in Karachi of Sarfraz Shah, an unarmed civilian at the hands of law enforcement officials,⁴⁹ was tried as a murder case. In its verdict, the Court awarded death penalty to the main accused while sentencing six other officials to life imprisonment.

112. A wide range of deradicalization and skill development programs have been launched for the youth to keep them away from the influence of radical elements. Project Sabaoon was introduced in the Malakand district of Khyber Pakhtunkhwa in the wake of law enforcement operation in Swat. The Project is aimed at de-radicalizing teenage boys through education. Boys recovered from militants or extremists are provided secondary school education with residential facilities under supervision of psychologists and child specialists. Over 1150 young men have benefited from this programme and reintegrated into the society. In 2010, a second similar facility was also opened for girls.

113. The use of drones against alleged militant targets inside Pakistani territory has resulted in deaths of hundreds of innocent civilians in FATA. These attacks and the collateral damage have aggravated the situation and are undermining our efforts aimed at deradicalization.

114. Notwithstanding the challenges that Pakistan faces our determination to fight terrorism and extremism remains unwavering.

A. Protection of Witnesses (Recommendation 22)

115. Judges, prosecutors, lawyers and witnesses have faced threats from terrorists. As a result very often the witnesses decline to appear in the courts, which makes successful prosecution in terrorism cases an uphill task. In order to provide a secure environment free of pressure and intimidation and especially to give protection to witnesses some courts have

permitted examination of witnesses through video conferences, where required, special escort is provided to bring the witnesses to the courts. Members of judiciary are also provided with guards at home, the courts and during travel.

B. Human rights defenders and journalists (Recommendations 19, 22 and 23)

116. Human rights activists and journalists were amongst the leaders of the 2007-08 movement for restoration of democracy and independence of judiciary. They have gained a high level of public trust and respect. Government considers them partners in promotion of a human rights culture in Pakistan. It is, therefore, committed to protecting them and providing them with an environment free of intimidation.

117. By the very nature of their work, journalists and civil society activists often become targets of extremists and face hurdles in performing their functions. Given the unprecedented level of freedom of media, all cases of intimidation get immediate media attention and are addressed by the Government, the Parliament and the Judiciary. Where required, high-powered commissions have been set up to investigate into allegations of intimidation and harassment.

118. Following the death of journalist Syed Saleem Shahzad, a high level commission was established to enquire into the circumstances of his death and make recommendations. The Commission made several administrative and legislative recommendations to improve the working environment of the media personnel.

XII. Challenges

119. Challenges that continue to persist are: poverty, illiteracy, gender disparity, social inequality and intolerance in society. Like most developing countries, Pakistan has struggled to improve the living conditions of its people. Economic challenges have increased during the last four years because of global economic recession, recurring natural calamities and energy shortages.

120. Pakistan has demonstrated a strong commitment to human rights. Overcoming these challenges would need more resources, improved capacity and international cooperation. We are confident in overcoming these challenges through continued political commitment, increased emphasis on mainstreaming human rights in public policy, and placing people at the centre of development. It would also require further strengthening of human rights institutions. We will continue our partnership with civil society organizations and developmental partners towards that end.

XIII. Conclusion

121. Pakistan considers the Universal Periodic Review as a useful mechanism for promotion of human rights. We believe that the concept of cooperation and dialogue that underlies this process should be the essence of all projects undertaken by the Human Rights Council in particular and the UN human rights machinery in general.

Notes

- ¹ A/HRC/WG.6/2/PAK/1 dated 14 April 2008.
- ² For a list of consultations see Annex-I.
- ³ 18th and 19th amendments to the Constitution.
- ⁴ For a list of prominent human rights legislation see **Annex-II**.
- ⁵ 18th Amendment (2010), 19th Amendment (2011) and 20th Amendment (2012).
- ⁶ National Commission for Human Rights Act 2012.
- ⁷ Majority party/coalition.
- ⁸ Organization of Islamic Cooperation.
- ⁹ South Asian Association of Regional Countries.
- ¹⁰ South Asia Coordinating Group on Action against Violence Against Women and Children (SACG).
- ¹¹ This is the practice in which women of the family are dedicated in a ceremony to the Holy Quran and is not allowed to marry to prevent division of property.
- ¹² Exchange of women for settlement of disputes is called Vani in Sindh and Southern Punjab and Swara in Pashtun culture.
- ¹³ Protection against Harassment at the Workplace Act 2010 and The Criminal Law Amendment Act 2012 that amended the Penal Code and the Code of Criminal Procedure to criminalize harassment at public and work places.
- ¹⁴ Criminal Law (Amendment) Act 2004.
- ¹⁵ Council of village/tribe elders which takes decisions by consensus.
- ¹⁶ Title of the judgment.
- ¹⁷ The definition under the amended Act includes practices such as “karokari, siyah kari or similar other customs or practices”.
- ¹⁸ Following the 18th Amendment, the provinces are responsible for legislation / administrative measures relating to child welfare.
- ¹⁹ New name for the North West Frontier Province.
- ²⁰ Articles 25, 26 and 27.
- ²¹ 18th Constitutional Amendment 2010.
- ²² On this date, father of the nation Quaid-i-Azam Muhammad Ali Jinnah delivered his first speech to the Constituent Assembly of Pakistan. The speech is famous for his vision of a country with freedom of religion for people of all religious persuasions.
- ²³ Articles 20, 21, 22, 26 and 27 of the Constitution.
- ²⁴ Criminal Law (Amendment) Act 2004.
- ²⁵ Rinkle Kumari.
- ²⁶ Article 19 (A).
- ²⁷ Pakistan Economic Survey 2011–12.
- ²⁸ The 18th Constitutional Amendment 2010.
- ²⁹ Definition.
- ³⁰ Economic Survey of Pakistan 2011–12.
- ³¹ Punjab: PKR 30 bn; Balochistan: PKR 9.78 bn; Sindh: PKR 12 bn; Khyber Pakhtunkhwa: PKR 10.33 bn
- ³² Economic Survey of Pakistan 2011–12.
- ³³ Economic Survey of Pakistan 2011–12.
- ³⁴ Pakistan Social and Living Standard Measurement (PSLM) Survey 2010–11.
- ³⁵ Economic Survey of Pakistan 2011–12.
- ³⁶ 2012–2013 budget of the provinces of Sindh and Balochistan.
- ³⁷ Urban slums.
- ³⁸ Economic Survey of Pakistan 2011–12.
- ³⁹ Pakistan Social and Living Standards Measurement (PSLM) Survey 2010–11.
- ⁴⁰ Zakat is 2.5 percent charity paid by well-off Muslims. It is collected in a national level Zakat Fund and channeled through Government institutions and private voluntary Committees.
- ⁴¹ Pakistan Bait-ul-Mal (PBM) works towards poverty alleviation by providing assistance to the destitute, widows, orphans, invalids and other needy persons. It primarily supports those who do not qualify to receive zakat.
- ⁴² Economic Survey of Pakistan 2011–12.

- ⁴³ Economic Survey of Pakistan 2011–12.
⁴⁴ National Sustainable Development Strategy 2012.
⁴⁵ Economic Survey of Pakistan 2011–12.
⁴⁶ Economic Survey of Pakistan 2011–12.
⁴⁷ Industrial Relations Act 2012.
⁴⁸ Economic Survey of Pakistan 2011–12.
⁴⁹ Pakistan Rangers.
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