

ADVANCE QUESTIONS TO PAKISTAN

CANADA

- Various international and domestic observers have noted with concern that access to justice for ordinary citizens remains limited. What measures is the government taking to ensure access to justice for ordinary citizens? Canada recommends that the government take further steps to ensure access to justice for ordinary citizens.
- Canada recommends that the government foster a strong, independent, professional judiciary in Pakistan. What measures is the government taking to foster a strong, independent, professional and non-corrupt judiciary in Pakistan?
- Human rights for Pakistanis are enshrined in the 1973 Constitution. However, limitations to freedom of speech and press have been reported, particularly in late 2007. Please set out the legal framework and measures taken in your country for promoting and protecting the right to freedom of opinion and expression. What measures is the Government of Pakistan taking to ensure full realization of the rights enshrined in the 1973 Constitution?
- Please set out the legal framework and measures taken by your country to ensure equality between men and women and the enjoyment of all human rights and fundamental freedoms by every woman without discrimination, including measures taken to ensure that religion or culture is not used as an excuse to violate women's human rights.
- Please explain how persons and organizations engaged in promoting and protecting human rights and fundamental freedoms are enabled to carry out their activities protected from all sorts of violence, harassment, intimidation, or threats.

DENMARK

- What is the government of Pakistan doing to stop the practice of "honor" killings of women and curb the domestic violence against women?
- What measures is the government of Pakistan taking to create an independent judiciary?
- What is the Government of Pakistan doing to ensure proper legal framework and to prevent discrimination of "Scheduled Castes" on the basis of caste, descent and occupation?

GERMANY

- With regard to part B 1 and 2 of the OHCHR's compilation (A/HRC/WG.6/2/PAK/2) Germany notes the concerns expressed by CEDAW,

but also by CERD, on the discrimination against women which still persists in a number of Pakistani laws. It also notes the various cases reported on violence against women inter alia by the Special Rapporteur on extra-judicial, summary or arbitrary executions. CEDAW also called for

- prompt action to counteract the influence of non-State actors which undermine women's enjoyment of their human rights. Which measures does the Pakistani government envisage to protect women from all sorts of violence and to fully implement its obligations under CEDAW and CERD with regard to non-discrimination of women and which measures are taken to prevent non-State actors to infringe upon women's rights ?
- With regard to para. 13 of the OHCHR's compilation (A/HRC/WG.6/2/PAK/2), the Working Group on enforced disappearances expressed concern on a number of cases of disappearances, the Special Rapporteur on torture reported on cases of incommunicado detention. How is the government of Pakistan tackling the issue of enforced disappearances and is it willing to sign and ratify the United Nations Convention against enforced disappearances ?
- With regard to para 33 of the stakeholders submission (A/HRC/WG.6/2/PAK3), several non-governmental organizations express their concern with regard to situation of minorities in Pakistan. According to the Asian Centre for human rights (ACHR), quoted in this para 33, religious minorities face discrimination by the State and
- non-State actors. For the recent elections to the National and Provincial Assemblies, members of the Ahmadi community were obliged to register in a separate voter registry - singling them out from all other religious communities in Pakistan, which led to a boycott of elections by Ahmadis. How does Pakistan envisage to provide equal opportunity to all its citizens to exercise and enjoy their civil rights? Furthermore, which measures is the Pakistani Government taking to effectively protect minorities, including religious minorities, in the country, especially against all forms of violence and discrimination, and how are the Economic, Social and Cultural Rights of minorities guaranteed ?
- Non-governmental organizations express their concern at the situation in Pakistani prisons, in particular regarding the lack of adequate facilities for female detainees (and their children) as well as juvenile detainees, the condition of "under-trial prisoners" (UTP), the quality of medical facilities and the problem of overcrowding (according to the Pakistani Ministry of Interior, overcrowding amounted to a country-wide average of 133% in June 2007). What measures is the government of Pakistan taking to protect the rights of prisoners?
- Some observers have expressed concern at Jum'a (Friday) Sermons in some Pakistani mosques inciting to hatred and violence against various groups inside and outside of Pakistan. Which measures does the Government take to ensure Pakistani law banning this kind of incitement is effectively and universally respected in the country?

LATVIA

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Despite the noted Pakistan's lack of cooperation with UN special procedures (seven Special procedures have requested to visit Pakistan following repeated allegations of human right violations) – we would encourage your country to consider acceptance of all seven special procedures of the Human Rights Council requested as well as extending a standing invitation to all special procedures in the future?

SWEDEN

- Violence against women and girls, including domestic violence, rape, “honour killings,” acid attacks, and forced marriages, remain serious problems in Pakistan. National legislation, instead of ensuring and protecting women's enjoyment of their human rights, has in some instances been deemed to contribute to violations and abuse. The so-called Zina law criminalizes heterosexual consensual sex outside marriage and imposes cruel, inhuman or degrading punishments on convicted offenders, while the so-called Hudood Ordinances have led to thousands of women being imprisoned for so-called ‘honour’ crimes and has rendered most sexual assault victims unable to seek redress through the criminal justice system. Civil society organisations have noted that an estimated 70 percent of women in jails are awaiting trials for adultery-related Hudood offences, and that recent amendments to these laws are insufficient to make the laws compatible with Pakistan's international obligations under CEDAW. Does the Government of Pakistan intend to completely repeal the Zina law and the Hudood ordinances? Does the Government of Pakistan intend to urgently release all women currently imprisoned for so-called “honour crimes”?
- What measures is the Government of Pakistan taking or envisaging to end impunity for the abuses that have been committed by the security forces, including extrajudicial killings, illegal detention, torture and enforced disappearances, according to credible reports, including reports by the Supreme Court of Pakistan?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the role civil society in Pakistan played in the preparation of your national report for this process?
- We understand that a bill for establishing a national commission for Human Rights is awaiting discussion at the National Assembly. Could you please

provide an update on progress? Will this commission comply with the Paris principles?

- The UK welcomes the approval of the Government of Pakistan to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. When will the Government of Pakistan fully accede to these and other outstanding human rights instruments?
- In particular, how will the Convention against Torture be implemented through effective judicial oversight and by ensuring that current legislation eg the Maintenance of Public Order (Section 16) is not used for torture or illegal detention? Does the Government of Pakistan have plans to reform the terrorism laws to ensure that terror suspects are detained lawfully and face trial?
- What plans does the Government of Pakistan have to review the use of the death penalty in relation to the 27 crimes for which it can now be applied?
- The Women's Protection Act of December 2006 was welcome, bringing rape under the Pakistan Penal Code. What plans does the Government of Pakistan have to further amend aspects of the Zina and Hudood Ordinances to ensure compatibility with the International Convention on the Elimination of All Forms of Discrimination Against Women?
- Article 16a of the constitution guarantees protection for freedom of thought, expression, belief, faith and worship and the protection of the interests of minorities. How is this consistent with discriminatory legislation such as Article 260 of the constitution and Articles 295 and 298 of the Penal Code – blasphemy legislation most notably used against the Ahmadiya and Christian communities? What practical and legislative action will the Ministry of Minorities take to safeguard religious, social and cultural rights for minorities?
- Does the Government of Pakistan have plans to improve the political representation of women and minorities in line with the EU Election Observation Mission's recommendations of 16 April 2008 ?