

Submission for Italy's Universal Periodic Review (UPR) in the Human Rights Council in 2014

The Stakeholder report submitted by the Institute for Social Justice (ISJ) Pakistan

Italy gave UPR recommendations to Pakistan in 2008 and 2012

1. In 2008, Italy was concerned about severe penalties including death sentence in Pakistan and urged it to reduce the scope of offences for which the death penalty is provided and impose a moratorium. Italy also recommended that Pakistan should urgently adopt effective measures to address violation of children's rights, in particular child labour, prostitution and trafficking and to consider increasing the legal age for criminal responsibility.

2. In addition to that, Italy suggested Pakistan to take steps towards the swift ratification of all core instruments of international human rights law and strengthening cooperation with international human rights mechanisms, in particular human rights special procedures.

3. But unfortunately after giving recommendations to Pakistan, Italy forgot about these. There are no records about follow ups on the UPR recommendations in the bilateral talks with Pakistan. Most of recommendations given by Italy are unattended by Pakistan. In more than four years till October 2012, Pakistan did not take any measures to address violation of children's rights, in particular child labour, prostitution and trafficking and did not consider increasing the minimum age of criminal responsibility. Italy remained silent for four and half years, not even a single press release was issued on Pakistan's poor progress for the implementation of the UPR recommendations.

4. In 2012, Italy had also given following recommendations to Pakistan (of which two are noted, one rejected and one accepted):

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| 122.19. Repeal all provisions providing for mandatory death sentences with a view to abolishing them (Italy); | Rejected |
| 122.108. Ensure that women are not submitted to illegal parallel judicial system (Italy); | Noted |
| 122.124. Substantially re-consider the punishment related to religious offences (Italy); | Noted |
| 122.155. Increase action to tackle violations of religious freedom especially, but not only, against members of religious minorities (Italy); | Accepted |

5. More than a year has passed since October 2012, however there is reported no progress on the given recommendations by Pakistan, and Italy is again silent about follow up on these recommendations with Pakistan. There should have been follow up by Italy with the Ministry of Foreign Affairs of Pakistan in Islamabad and Pakistan's UN Permanent Mission in Geneva.

Recommendations

6. Italy should help Pakistan in preparing plan of action for the implementation of the UPR recommendations which it gave to Pakistan in 2008 and 2012.

7. Italy should put efforts to link the UPR recommendations with the GSP+ agreement with Pakistan.

Italian ENI Oil and Gas Company in Pakistan

8. Local people in Dadu district of Pakistan have lodged complaints with various authorities and hold demos against the ENI oil and gas Exploration and Production Company working in Dadu for about

two decades. People protested against ENI and said that the company is not employing local people. ENI had also fired 150 people from the work. The villagers are said that ENI was “exploring huge quantity of oil and gas for many years but has ignored employing local youths and undertaking development works in the area, in violation of the agreement signed with the ministry of petroleum. Ghulam Qadir Nohani, another villager, said that the land under ENI exploration belonged to them since ages but outsiders were being recruited by them. He alleged the company high-ups of greasing the palms of feudal lords and political leaders every month... Abdul Rehman, a sacked employee [of ENI], said that the NGO has slashed 70 per cent salaries of the remaining employees”.¹

9. After protests, the complainants against ENI and other oil and gas companies reached the Supreme Court of Pakistan.² The Supreme Court of Pakistan found that a “number of oil and gas fields and the oil exploring companies are acting in violation of law and the terms and conditions of the [petroleum concession] agreements which they executed with the Government of Pakistan whereby they are bound to control environmental pollution, provide jobs and gas facility to the local people ... [and] spend specified amount[s] on the [local] infrastructure such as roads, schools, hospitals and the betterment of local people”. Therefore, it directed the Director General Petroleum Concessions at the Ministry of Petroleum and Natural Resources to coordinate with the Provincial Chief Secretaries and/or concerned Secretaries with the object of preparing a report which should contain suggestions/recommendations which are practical and workable keeping in view the objective that the social welfare funds are duly collected and properly spent for the benefit of beneficiaries i.e. the local people in concerned districts.³

10. ENI’s office in Islamabad and Karachi also do not provide job opportunities to people of areas (Sindh) where from oil and gas reserves are taken by the company.⁴

Recommendations

11. Italy should make the ENI Company accountable for violating local people’s rights and depriving them from their rights to royalty, employment and other services.

Italian factories in Pakistan and exploitation of workers

12. There are number of factories of people from Italy in Pakistan, who the ISJ feels do not comply with the core human and labour rights treaties. It is mainly because of the weak legislation and poor implementation of the legislation in Pakistan. In addition, the level of corruption is so high. Therefore, there is high probability that most of the Italian factories (owned by Italian origin persons) exploit workers and do not respect human and labour rights laws.

13. There had been reported a similar story by the Asian Human Rights Commission about an Italian MASCO garment factory in Karachi. Workers of the factory were protesting against exploitation by the factory management. The report also said that owner had also bribed law enforcement officials to take actions against NGO workers in the vicinity who supported workers in their peaceful protest.⁵

Recommendations

¹ Dawn (2010), Protest against sacking of gas firm workers at <http://www.dawn.com/news/546504/protest-against-sacking-of-gas-firm-workers>

² See Human Rights Case No: 36052-S of 2013 (Application by Abdul Ghafoor for redressal of his grievance against ENI Gas Field Jamshoro).

³ Supreme Court of Pakistan at http://www.supremecourt.gov.pk/web/user_files/File/Const.P.46of2013-dt-27-12-2013.pdf.

⁴ Memon, N., Oil & Gas Resources and Rights of Provinces: A case study of Sindh. Discussion Paper II. Sindh Case Series 2. Published by Center for Peace & Civil Society, Hyderabad

⁵ Asian Human Rights Commission (2012) PAKISTAN: A human rights defender suffers an illegal and unwarranted raid by the Rangers at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-022-2012>

14. Italy should manage database of Italian investors in Pakistan and ensure that all factories owned by Italian investors are implementing minimum human and labour rights standards in their factories or at their business outlets.

15. Italy should also send Italian civil society organizations members and the media to occasionally conduct visits of factories owned by Italian owners. These visits should be surprise visits.

Pakistani workers in Italy

16. Exploitation of Pakistani migrant workers in Italy is commonly reported. Their documents are sold by their employers and they are trapped into bondage.⁶

Recommendation

17. Italy should take strict measures against agents that bring migrant workers to Italy for exploitation.

Pakistani prisoners in Italy

18. A large number of Pakistanis are languishing in prisons in Italy. In 2012, the number of prisoners was 136 in Italy.⁷

Recommendations

19. Italy should improve prison conditions for foreigner prisoners and provide timely legal aid and counselor access/services to Pakistani prisoners.

⁶ Amnesty International (2012) Exploited Labour: Migrant workers In Italy's agricultural sector

⁷ <http://tribune.com.pk/story/429484/diplomatic-negotiations-pakistan-in-talks-with-35-nations-for-prisoners-swap/>