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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Pakistan

Addendum

**Statement by Ambassador Masood Khan, Permanent Representative of Pakistan,
on the outcome report of Universal Periodic Review (UPR) of Pakistan,
at the Human Rights Council ***

* The present document was not edited before being sent to the United Nations translation services.

We want to thank you, Mr. President, for carefully and meticulously preparing for the last phase of the Universal Periodic Review (UPR). We endorse the view of the High Commissioner for Human Rights that the strength of the UPR lies in equitable and transparent examination of human rights record of all states, without distinction.

The preparation and conduct of the UPR has been a productive and rewarding experience for Pakistan. It has allowed us to work closely with civil society and look at the areas in which we need to work harder to achieve results. In this process, we benefited from consultation with national NGOs, the compilation of information in the reports of treaty bodies and special procedures, stakeholders' comments, and the observations made by member states on May 08, 2008.

Broadly, two types of observations were made by the member states during the UPR. Several states expressed satisfaction over the steps taken and results achieved; others pointed to the deficits in the laws, societal norms, and administrative machinery.

Recommendations in the outcome report fall into four categories: those which are *didactic* in nature; those recommending amendments to existing laws; those suggesting societal changes; and those encouraging us to build on the successes Pakistan has achieved.

Following the adoption of the UPR report on Pakistan on May 14, 2008, recommendations were sent, to all concerned departments for consideration and response. Because of the short period for reaction, we have received only preliminary feedback. In any case, the recommendations made by member states require short-term and long term measures, requiring extensive inter-ministerial and intra-parliamentary consultations.

Pakistan has recently negotiated a transition to a full-fledged democratic system. The coalition, led by Prime Minister Syed Yousuf Raza Gilani, formed after the elections, is being consolidated. The new government is resolutely pursuing the goals of the rule of law and democracy, even as it faces daunting challenges of terrorism and extremism. It has removed earlier restrictions on civil and political rights and is fully committed to the promotion and protection of human rights.

Our responses to the 44 recommendations we accepted are as follows:

Religious Freedom

The Constitution of Pakistan guarantees freedom of religion or belief. The Pakistan Penal Code proscribes actions that would hurt interest of minorities through abuse of laws. Specific steps are being considered to strengthen laws and procedures to reduce incidence of their abuse.

The Government has taken a series of measures to empower minorities. The Ministry of Minorities Affairs and the National Commission for Minorities, in particular, have pursued policies to promote and protect religious, social and cultural rights of minorities. The Government has restored the joint electorate system for minorities in federal and provincial assemblies. In addition, ten seats are reserved for minorities in the National Assembly and twenty three in the four Provincial Assemblies. Religious minorities have been given representation in the local bodies, even in the constituencies where their population is less than 1 per cent.

We agree that more needs to be done. The Prime Minister of Pakistan has expressed his resolve that minorities will be given representation in all national institutions. The statutes that could lead to discrimination against religious minorities would be reviewed.

Discrimination on the basis of caste is prohibited under our law. Efforts are made to eliminate discrimination wherever it exists and to give maximum support to scheduled castes. The Federal Government has relaxed upper age limit for the scheduled castes for government jobs. The Ministry of Minorities intends to associate one member from the scheduled caste of Hindu community in the National Commission for Minorities. The Government of the Province of Sindh, where most of the scheduled caste Hindus live, has appointed an advisor from scheduled castes. We are encouraging NGOs to highlight the issues of scheduled castes to seek redress to their grievances.

Women's Rights

Women in Pakistan have risen to the highest offices. However, we have to intensify our efforts to cascade empowerment of women to the grass root communities.

Mohtarma Benazir Bhutto was elected as Prime Minister twice. Women hold highest posts in civil service, the judiciary, diplomacy, banking, finance, medicine, engineering, media and academia.

Through determined affirmative action, Pakistan has enhanced representation of women in the federal, provincial and local law-making bodies. There are seventy four women parliamentarians in the National Assembly of 342 members. In the 100-member, we have 17 women senators. And there are 136 women legislators in the four provincial assemblies, which have 728 members. In the local governments in villages, townships, and cities, 33 % seats are reserved for women. Twelve (12) women Ambassadors are representing Pakistan in important capitals whereas an eminent woman banker heads the State Bank of Pakistan.

In the recent past, we have passed laws which would narrow the protection gap for women. These include:

- The 2004 Criminal Law Act that declared honor killings as “murder”.
- The 2006 Prevention of Anti Women Practices (Criminal Law) Amendment Act that is designed to end such practices as preventing women from getting their share in inheritance, selling of women, forced marriages, the custom of ‘Vani’ (giving a woman in marriage to settle a feud), and the custom of triple divorce.
- The 2006 Protection of Women Act that amended the Hudood Ordinance to reform the registration/investigation procedure and give protection to rape victims.

The Government is pursuing a *Policy of Zero Tolerance* on Violence against Women (VAW). A Bill on Domestic Violence, tabled in the Parliament, encompasses the issues of marital rape and acid attacks, among others. Meanwhile, grievous hurt/injury as a result of marital rape is covered under Criminal Procedure Code.

The Government and civil society are working together to declare sexual harassment at work places, both in the Government and private sectors, a grave misconduct and punishable offence.

The government is fully conscious that it has to implement CEDAW and create more alignment between CEDAW and our laws. A CEDAW Follow-up Unit, within the Ministry of Women Development has been established for this purpose.

UPR follow up: gender perspective and civil society.

We have taken note of the recommendations to integrate gender perspective and to involve civil society in the follow-up to the UPR.

Training and awareness raising

We welcome the recommendations which have been made regarding human rights training of security officials and public awareness campaigns. Comprehensive modules on human rights have been included in the curricula of police training schools and colleges as well as the National Police Academy. The National Police Bureau also holds training workshops on human rights for police officers, in collaboration with relevant international organizations. The last such workshop was held with the help of Commonwealth Secretariat.

Tribal Areas

Reforms in tribal areas are a priority for the new Government. The Prime Minister has formed a nine-member ministerial committee, headed by Minister for Law and Parliamentary Affairs, to review the Frontier Crimes Regulation (FCR). We are aware that legal measures alone would not be enough to bring about the desired change; we require strong interventions in the areas of education, health, and economic development.

The rule of law and independence of the judiciary

With the withdrawal of the Emergency Order of November 2007, all fundamental freedoms have been restored. A constitutional package, which will, inter alia, address the issues of reinstatement of judges, independence of the judiciary and appointment of judges, is being negotiated by Coalition partners for presentation to the Parliament. Rules on fair trial are provided by Pakistan's legal and judicial system. The well-meaning advice for diligence given by one member state has been noted.

The Supreme Court initiated action on cases of disappearances. The new Government has vowed to investigate them.

Human rights defenders

Pakistan attaches importance to ensuring security, safety and freedom of human rights defenders. The Government has benefited from the active advocacy and substantial work of NGOs in promoting the rights of women, minorities and marginalized segments of society. We have taken note of the suggestions to consider formulating a national policy on protection of human rights defenders, which would focus on a national system for enhanced protection of witnesses and human rights defenders.

Security Forces

We do not condone impunity. Abuses by law enforcement agencies, including security forces, are cognizable offenses.

Ratification of Instruments

Recently, Pakistan has ratified the ICESCR and signed ICCPR and CAT. We have initiated the process of ratifying ICCPR. We will continue to sign and ratify other international treaties in accordance with our constitutional requirements and administrative processes.

Rights of the Child

A series of recommendations have been made to promote and protect rights of the child. Our commitment to promote children's rights, especially of the girl child, remains strong and unwavering. Several measures have already been taken to protect children against violence, abuse, neglect, discrimination and exploitation.

For instance, a National Child Protection Centre in Islamabad provides shelter for runaways as well as street, lost and kidnapped children. A Child Protection and Welfare Bureau in the Government of Punjab takes measures to prevent child abuse, to eliminate child beggary, to rehabilitate street children, and to give family support for the destitute and neglected children. A National Media Campaign, with the help of UNICEF, will mobilize media networks to focus on child protection issues. A National Workshop on Commercial Sexual Exploitation of Children, in collaboration with the Working Group on Child Sexual Abuse and Exploitation, recently adopted an Action Plan.

A comprehensive National Child Protection Policy, being drafted in consultation with UNICEF and other stakeholders, will be shortly submitted to the Cabinet for approval. This policy will be further developed into a bill for consideration by the Parliament.

Freedom of expression

Pakistan's record and performance in regard to the freedom of expression is strong and rewarding. Restrictions, imposed in the wake of the November 2 Emergency Order, were removed by the new Government. Pakistan has one of the freest media and press in the world; some say it is the freest. At present, around 96 television networks (7 public plus 89 private) and 94 radio channels (23 public plus 71 private) are operating in Pakistan. Similarly, around 1,500 newspapers and periodicals in more than 12 languages are published. A number of media channels frequently focus on the human rights issues.

Counterterrorism

Pakistan will persevere in its efforts to fight terrorism. Our resolve stems from the conviction that the scourge of terrorism must be rooted out by military means as well as by redressing poverty and under-development, and the consequent hopelessness that spawns terrorism and extremism. Misguided ideologies must be opposed by weaning the youths away from extremism and terrorism. The war on terror is not a conventional war; but a war waged on the basis of credible intelligence. Pakistan is fully conscious of its responsibilities under the international human rights law and international humanitarian law. Necessary precautions are taken by the Security Forces to minimize civilian and non-combatant casualties and exclude collateral damage. Action is taken against breaches.

ILO Conventions

Pakistan has signed thirty four ILO Conventions, including eight Core Labour Standards Conventions. In order to streamline the implementation and follow up of labour standards, the Labour Ministry is working to consolidate all labour laws into five main laws. The Prime Minister also announced repeal of the 2002 'Industrial Relations Ordinance' that had curbed trade union activities. Minimum wages have been set at Rs. 6,000 per month.

Refugees

Pakistan has hosted more than 4 million Afghan refugees for the past 29 years. We continue to host 2.5 million Afghan refugees. This is by far one of the largest refugee caseloads on the world. Despite drastic reduction in international assistance, Pakistan continues to fulfill its responsibilities. Pakistan, Afghanistan, and the UNHCR, in accordance with a Tripartite Agreement, are repatriating Afghan refugees in a gradual and coordinated manner. It is important that the Afghan refugees return to their homeland with honour and dignity.

Internally Displaced Persons (IDPs)

The Government of Pakistan has taken a number of measures to provide relief to IDPs, wherever it is required. In a recent instance, last month the Government took steps to facilitate return and rehabilitation of IDPs from South Waziristan Agency. The Government will give adequate compensation to the affected people and start development projects in South Waziristan Agency.

Invitation to Special Procedures

We will welcome engagement with Special Procedures, including their visits. We have been responding to most of their communications. We are working on the visit of the High Commissioner for Human Rights to Pakistan during this month.

National Human Rights Commission

The draft legislation on the establishment of a National Commission on Human Rights has been submitted to the Cabinet. A decision in this regard is expected shortly.

Social Development

Social development is a priority for the Government. The Prime Minister has recently directed review of the Medium-Term Development Framework for midcourse correction so that we can enhance and harness resources to improve our human rights indicators and expedite the process for achieving the Millennium Development Goals (MDGs).

While introducing the new federal budget yesterday, the Finance Minister announced enhanced allocations for poverty reduction, low income groups, and low cost housing. Similarly, budgetary allocations were increased for education, health services, clean drinking water, sanitation, and women development.

In the health sector, in the financial year starting in July, the number of the Lady Health Workers (LHWs), will be doubled from 100,000 to 200,000. Preventive programmes include maternal, neonatal and child health projects. Under a clean drinking water initiative, filtration plants will be installed throughout the country, including in the villages. Focus of sanitation will also help us fight disease.

The Federal Government has started gender responsive budgeting. Microfinance banking is especially targeting women, who already constitute 45 % of the total microfinance users.

Under the *Benazir Income Support Programme*, announced yesterday, Rs.34 billion will be given to the poorest of the poor. This amount will be increased to Rs.50 billion.

The Prime Minister has announced that every year one million housing units for low income groups will be constructed every year. A revolving fund has been created, which will be expanded through innovative financing.

Disaster Management

Pakistan has survived two disasters in the past three years – the massive earthquake in 2005 and the floods in 2007. We have acquired new skills in disaster response, disaster management, and post-disaster reconstruction. With the help of the international community but mainly relying on our resources, we have rehabilitated the disaster stricken communities and helped them start their new lives.

We are demonstrating the same vigour in our quest for bringing security and stability to the parts of our country severely affected by the terrorist and suicide attacks.

Politicisation

We accept the recommendation to continue to oppose the politicisation of human rights in the United Nations and elsewhere. Each human rights situation should be considered on its merits. The ills of partiality and selectivity that have infected the human rights machinery should be cast out through dialogue and cooperative efforts.

Human Rights Council

Pakistan values its membership of and association with the Human Rights Council, which has raised new hopes of the international community to create a new transparent and cooperative culture for the promotion and protection of human rights. We believe that after the completion of its initial phase of institution building, it is poised to become more effective.

Good Practices

We stand ready to share our experiences and good practices in regard to poverty alleviation, handling food shortages, and promoting literacy, with interested member states.

Capital Punishment

Finally, I would like to inform the Council that the coalition government has initiated review of all questions related to capital punishment.

In conclusion, I would like to say that Pakistan has a good legal framework, supportive administrative machinery, and a strong civil society, which provide a salutary environment for the promotion and protection of human rights. The new government is determined to ensure that the supremacy of the Constitution is upheld, the writ of the rule of law is established without any exceptions, and citizens of Pakistan benefit from the democratic transformation. Our goal is to guarantee full enjoyment of civil and political rights, as well as economic, social and cultural rights. In this regard, civil society has emerged as a critical catalyst for the protection of the interests of the right holders.
