

I. Background and framework

A. Scope of international obligations¹

Universal human rights treaties² (table to be inserted by OHCHR)

B. Constitutional and legislative framework

Pakistan is making worthy progress in pursuit of human rights agenda and has improved a number of human rights legislations in recent years. This initiative and drive is encouraging for the rights holders and demonstrate the commitments of duty bearers to fulfill, protect and respect human rights in the country. Human rights are becoming more central to the government's agenda and finding good degree of mention in public debate as well as political manifestos. The constitutional amendments passed in the past three years (2009 onwards) with blanked political support across party lines has set the stage for effective devolution of key subjects and relevant administrative and financial powers from the Center to provinces. This shows a strong effort in addressing key regional inequalities and moving decision making closer to the women and men, boys and girls. The next steps will be to reinstate the local government system, which was stalled some years back.

In specific terms, Pakistan has passed three landmark constitutional amendments (18th, 19th and 20th Amendments) since 2009, with crosscutting political support and aimed at strengthening the democratic governance structures. These amendments enable greater provincial autonomy and equitable federal-province relations. As many as seventeen federal ministries and relevant standing committees of the parliament have been devolved, leaving behind a vacuum in terms of guidance, norms and standard setting, especially in light of international commitments.

Another achievement is the new system now in place for the appointment of judges to the superior Courts, under the 19th Amendment, by establishing a Judicial Commission and a Parliamentary Committee with separate mandates to purge the process of political influences. The federal government also amended the Frontier Crimes Regulation (FCR) in 2011 and extended the Political Parties Act 2002 to FATA regions. This is a key initiative for mainstreaming these peripheral regions within the country framework and providing follow up opportunities on the FATA reform agenda, as envisaged in the Post Crisis Needs Assessment for Khyber Pakhtunkhwa (KPS) and FATA.

On another account, women in Pakistan have faced formidable challenges with particular problems posed by stereotypical norms and practices and implementation challenges. Yet, recent breakthroughs in pro-women legislation³ have shown that the efforts put in by the Pakistan's government and the advocacy groups are bearing results. Indeed, the aforesaid legislation strengthens womenfolk in terms of equality of opportunities, but the challenge of implementation hinders such gains highlighting the want of political will and justice mechanisms.⁴

Increasingly, laws and child protection mechanisms at the provincial level are growing in importance due to the devolution process initiated by the 18th Amendment.⁵ Another important achievement was the ratification of the Optional Protocol of the Convention of the

Rights of the Child (CRC) on the sale of children, child prostitution and child pornography in June, 2011. However, as expressed by the Committee on the Rights of the Child, there's an "apparent lack of a legislative framework" harmonized with the CRC in many areas, and numerous delays in the adoption of laws, which are key to the implementation of the Convention.

Pakistan is also moving ahead with ratifying significant Covenants and reviewing the issue of declarations, and these instruments are important to the UN's role in Pakistan. Realization of these rights, particularly those related to elections, political representation, and participation contained in, for example, the ICCPR⁶ and CEDAW⁷, will empower men and women to strive for further reductions of these risks and an enlargement of the choices and freedoms that they have.

C. Institutional and human rights infrastructure and policy measures

In March this year, Pakistan's Senate unanimously passed The National Commission for Human Rights Bill, paving way for the establishment of the National Commission for Human Rights⁸. The Commission will include chairperson of the National Commission on Status of Women (NCSW) as a member and another one from the minority communities. This legislative measure is a sure improvement for Pakistan in terms of organizing human rights infrastructure, and the new legislation also calls for the establishment of 'human rights courts'⁹.

The Ministry of Human Rights – established in 2008 – also plays a key role on overseeing national and international commitments on human rights and following up cases nationally. The National Commission on the Status of Women (NCSW) is another key organization mandated to safeguard and advance the human rights and ensuring greater gender equality through affirmative policies and legislation.

In March 2012, Pakistan made another impressive stride forward by approving NCSW Bill 2012, which makes the Commission independent as well as financially and administratively autonomous. This measure substantially enhances Commission's ability to leverage and advance women's rights agenda with renewed vigour and commitment, and with space for provincial Commissions (such as the Khyber Pakuntkhwa Commission for the Status of Women established in 2010). The aforesaid also squares well with international instruments and conventions Pakistan is signatory to.

Provincial Human Rights Departments/Directorates are also envisaged to push the human rights agenda closer to the citizens-rights holders. But massive capacity gaps can compromise possibility of sustainable change. Sustained efforts across the country are required to ensure that the capacity of these institutions is enhanced to be more responsive to the needs of the target communities, including women, through legal and technical assistance.

The MoHR is now overseeing reporting to CEDAW, CRC and many others because it has partly taken over portfolio of the devolved Ministry of Women Development and Population Welfare amongst others. The MoHR is presently formulating State's report on UPR through consultations with provinces.

Another key sign in the making is Pakistan's optimistic move on establishing an autonomous commission on children's rights envisaged as National Commission on the Rights of Children (NCRC). Pakistan established the National Commission for Child Welfare and Development (NCCWD) through a resolution on December 16, 1980, which was amended from time to time till 1991.

Subsequent to 18th Constitutional Amendment¹ 2011, a new Ministry of Human Resource Development (MoHRD) has been created, with additional mandate of coordinating with the provincial labour departments for reporting on the ILO conventions. The abolishment of Ministry of Labour and limited role of the MoHRD regarding labour matters has created a void of central authority to ensure adherence of labour standards at the provincial level besides incurring capacity issues. Presently, the provincial labour departments are in the process of review labour legislations.

II. Cooperation with human rights mechanisms

The reporting period has recorded reinvigorated cooperation between the UN and Pakistan around the Universal Periodic Review process and the drafting of national human rights policy. One such measure is the invitation extended by the Government of Pakistan to the UN Special Rapporteur and the High Commissioner on Human Rights. The aforesaid underscores an active and progressive engagement between the UN and the Ministry of Human Rights (MoHR) under the leadership of the Advisor to the Prime Minister. The same is true with regards to cooperation and optimized dialogue with civil society groups supporting human rights agenda in the country. This and similar other successes on the same account also highlight the technical support which has gone into the country-specific human rights mechanisms that stand better positioned to drive the agenda of human rights closer than ever to the rights holders.

A. Cooperation with treaty bodies¹⁰

Sr. No	Name of Treaty	Date of Ratification
1	Convention on the Prevention and Punishment of the Crime of Genocide 1948	12-10-1957
2	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966	21-09-1966
3	Convention on the Rights of the Child (CRC) 1989	12-11-1990
4	Convention on the Elimination of Discrimination against Women (CEDAW) 1979	12-03-1996
5	International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966	17-04-2008
6	International Covenant on Civil and Political Rights (ICCPR) 1966	23-06-2010
7	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984	23-06-2010
8	UN Convention on the Rights of persons with Disabilities. (CRPD) 2006	05-07-2011

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9	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	Not Ratified
10	International Convention for the Protection of All Persons from Enforced Disappearance 2006	Not Ratified
11	Forced Labour Convention, 1930 (No. 29)	23.12.1957
12	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	14.02.1951
13	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	26.05.1952
14	Equal Remuneration Convention, 1951 (No. 100)	11.10.2001
15	Abolition of Forced Labour Convention, 1957 (No. 105)	15.02.1960
16	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	24.01.1961
17	Minimum Age Convention, 1973 (No. 138) <i>Minimum age specified: 14 years</i>	6.07.2006
18	Worst Forms of Child Labour Convention, 1999 (No. 182)	11.10.2001
19	World Heritage convention of 1972	1976
20	Convention for Intangible Cultural Heritage (2003)	2005
21	Convention on the Rights of the Persons with Disabilities	
22	Optional Protocol to the Convention on the Rights of the Child on the sale of children and child prostitution and child pornography	

2. Responses to specific follow-up requests by treaty bodies

B. Cooperation with special procedures¹¹

	<i>Status during previous cycle</i>	<i>Current status [headings normally bottom of cell]</i>
<i>Standing invitation</i>	High Commissioner OHCHR	Visit Planned in first week of June 2012
<i>Visits undertaken</i>		
<i>Visits agreed to in principle</i>		
<i>Visits requested</i>		-Special Rapporteur on the Promotion and Protection of the Rights of Freedom of Opinion and Expression -Special Rapporteur on the Independence of Judges and Lawyers -Chairman Working Group on Enforced Involuntary Disappearances

C. Cooperation with the Office of the High Commissioner for Human Rights

The UN System in Pakistan (under the cross cutting issues of the One UN where human rights is one and with the leadership of the co-chair) has focused on re-positioning itself around human rights. Cooperation with OHCHR has always been a top priority for the UN system. At the same time, through this process, the UN system facilitated discussions between Government of Pakistan and OHCHR in Geneva resulting in the invitation of the HCHR to Pakistan in mid 2012.

OHCHR is now providing technical and financial support to the UPR reporting process for Ministry of Human Rights, Government of Pakistan ensuring participatory and consultative process. For the first time, with UN support, the consultations for the UPR have been opened to both Government and CSOs.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

Gender equality is a key commitment of the Government of Pakistan in its Constitution and subsequent frameworks and reflects the need to focus specifically around women's empowerment and rights in a country with strong inequalities and discrimination. Pakistan has a Gender Inequality Index value of 0.573, ranking it 115 out of 146 countries in the 2011 index. The adult literacy rate in Pakistan is 56%, whereas female literacy stands at 40% according to World Bank Development Report. The Government's commitment under the MDGs is to achieve 87% women's literacy by 2011.

The commitment to uphold and advance women's rights is evident in the passing of key pro-women legislation by the government, and backed by pro-active advocacy by the civil society organizations. Some such milestone legislations are: Prevention of Anti Women Practices bill; Criminal Law Amendment Act 2009 and Protection against Harassment at Workplace Act 2008; Domestic Violence (Prevention and Protection) Bill passed in 2009; and Acid Crime and Prevention Control, Criminal Law Amendment Act. As mentioned earlier, Bill for an autonomous and independent National Commission on the Status of Women is but yet another worthy achievement.

Challenges remain in relation to implementation of legislation and particularly enjoyment of equal rights by women and girls as well as by religious minorities, youth and other excluded groups. Accountability and enforcement mechanisms are very weak especially at local level. Historical regional disparities across the 4 provinces, AJK, FATA and G&B have been heightened by prolonged crisis and recurrent natural disasters¹². Presently, public policy encourages rent seeking which leads to under-investment in infrastructure and human capital.¹³

Post Crisis Needs Assessment (PCNA) for KPK and FATA points out the lack of state responsiveness and shifting of responsibility to people for security and decision making. Pakistan's rural off-farm and small farmer household spending on food has increased significantly since 2007 due to inefficiency and lack of federal-provincial coordination, where commodity operations result in a reduction in the purchasing power of the poor. Thus, food insecurity has increased.¹⁴

Distributional inequalities persist because of the government's fiscal policy, commodity operations and monopolized markets. Rent seeking exacerbates inequality and discrimination, affecting women and girls, minorities and other excluded groups the most. There is evidence to suggest that members of some business associations have been-and continue to engage in collusive behaviour that maximizes profits for the members at the cost of consumers thus intensifying the existing inequalities.¹⁵

Inequality rankings also "show wide disparities between as well as within provinces. Punjab and Sindh turn out to be more developed for a range of indicators than Balochistan, KP and FATA. Within provinces there are important dualities. In Punjab, for example there is a sharp divide between north-central parts of the province and its south. In Sindh the main source of duality is the disparity between Karachi and the rest of the province."¹⁶ Concentration of disadvantaged Identity-Based Groups (IBGs) in regions exacerbates regional inequalities. The situation may be made worse by the regional elites who hijack power.¹⁷

B. Right to life, liberty and security of the person

The security and political contexts have provided a series of challenges around these rights and their fulfilment. Increased concentrations of armed forces and para-military forces around the country and overall the security-driven planning spells out challenging times for human rights agenda.

Labour legislation lays down social protection and safety net for the employment sector necessitating interventions to meet the changing needs of the working people. Practically, the employment sector does not reflect an encouraging picture in this regard. Insecurity in employment exists: accident rates at workplaces are alarming and deplorable, demanding adequate and stringent measures to make life of working people safe and protected.

Corporal punishment of children is lawful in Pakistan, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and Pakistan's acceptance of the recommendation to promote children's rights made during the initial UPR in 2008.¹⁸ The legality of corporal punishment of children is as it was in 2008, lawful in the home, schools, penal system and alternative care settings, as it is reflected in the Pakistan Penal Code (PPC) 1860 article 89.

Despite its international commitment, just 27.0 percent of births are registered in Pakistan; nearly three-quarters of all births are not registered by the Government's own reckoning. This average also masks huge inter- and intra-provincial disparities, as well as a significant urban/rural divide¹⁹. Girls, children belonging to religious or minority group, refugee

children and children living in rural areas are least likely to have their births registered.²⁰ In addition, the availability or the lack of social safety nets is another grey area requiring investment to provide for key infrastructure to alleviate the situation besides supporting the State in achieving the commitments under the MDGs.

C. Administration of justice, including impunity, and the rule of law

Pakistan has strived to strengthen vital elements of democracy and good governance and shown impressive resilience. Factors that have shaped Pakistan's political landscape include, notably, the strides made by the human rights movements, open media and freedom of expression and inclusive participation in the legislature. The reinstatement of the judges removed by the previous regime, including the Chief Justice of Pakistan (CJP), by the present democratic government was another key step towards the independence of judiciary.

Demand for justice in the form of accessible and rapid dispute resolution is also very apparent. There are a number of issues confronting the justice system including significant case backlogs and time delays for the litigants, absence of provision of free legal aid for the poor, corruption and nepotism in the justice sector, and parallel legal systems running at the same time make it even more challenging in terms of uniform and equal access to justice.

Need is also dire for a professional and accountable law enforcement. The other regional territories FATA, G&B (semi-autonomous province) and AJ&K (disputed territory) spell out additional challenges with less stable constitutional and legislative framework.

Women victims of violence against women and gender based violence, in most of the cases don't report or disclose the violence publicly for the risk of stigmatization and repercussion from the perpetrators of the violence. To address this issue, Pakistan has implemented the system of community based Alternate Dispute Resolution (ADR) in around 22 districts across the country. Concerns remain about its effectiveness and harmonization with international commitments.

Sufficient labour laws are in place for the working people mostly in the industrial and commercial sector. But no legal protection exists for the workers in the large informal sector of employment such as for agricultural workers, home-based workers, piece rate workers, casual workers and so on. Labour inspection is not extended into the informal sector and resultantly workers in this sector suffer with regards to exercising their rights, protection of their wages and jobs and cannot access labour-related judicial remedy in wake of dispute with their employers.

Moreover, there are over 400 cases of disappearances counted since 2002 by The Human Rights Commission of Pakistan and other human rights organizations have also come out with independent data on the forced disappearances. The figures compiled by the government on the same account often contrast with these independent figures, and the Supreme Court of Pakistan has shown good deal of interest in these cases embodying gross violation of human rights.

D. Right to privacy, marriage and family life

Pakistan has high levels of child marriage, which contributes to the perpetuation of poverty and jeopardises a child's, particularly girls', human rights. Although child marriage is technically against the law in Pakistan, 37 per cent of girls are married before the legal age of 16²¹, and 20 per cent by the age of 13²² endangering lives, education and livelihood prospects and perpetuating intergenerational cycles of inequity and vulnerability. Predictably, the figures are especially high in rural areas. Women are granted the right to divorce under the Muslim Family Law Ordinance, 1961. But as common practice, this clause is crossed out at the time of marriage without consulting women.

Developing and implementing systems to prevent and discourage the practice of early marriage, and addressing attitudes and customs that promote or condone child marriage, are vital to improving legislation and bringing child marriage to an end. In many cases, these are cases of forced marriages and require specific response and action. Another issue that still persists is the different ages of marriage in different legislations that call for an urgent harmonization of those around the age of marriage.

E. Freedom of movement

The constitution of Pakistan is the guarantor of the citizens' right to free movement and as such no limits are being placed on the people in this regard. However, instances continue to surface whereby, on the pretext of law and order and security, arbitrary measures have been put in place on various occasions limiting citizens' freedom of movement.

Most such incidents are borne out of administrative powers vested in police and the executive without any effective departmental accountability or similar checks from the outside, leaving the dispossessed with a sense of powerlessness and expressions of disenfranchisement. Further, women's mobility is the hardest hit especially in the crisis-ridden provinces and regions including the KP, Balochistan and FATA.

Increased militarization and security-driven policies adversely impact the right of movement. For instance, the requirement of obtaining NOC for restricted areas further limits access and mobility of humanitarian and development organizations.²³

F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

In 2008 national elections, issues such as the lack of a national identity card restricted women participation. The Election Commission of Pakistan, through its Five Year Strategic Plan, is addressing such impediments and working with National Database and Registration Authority to ensure that all eligible citizens are registered to vote in the upcoming elections due in first half of 2013. However, the plan to conduct next Population Census has once again been postponed indefinitely mostly out of political considerations.²⁴

Pakistan has a relatively large women representation in the National Assembly, the senate and across provincial assemblies. Of the 342 seats in the National Assembly, women comprise 22.2 % of those seats. In the upper house or Senate, women make up 17% of the

parliamentary seats²⁵. In addition, there are a number of provisions to ensure protection of women's right to vote, contest elections and take an active part in politics²⁶.

Under Pakistan's Constitution²⁷ and legal framework, industrial community has the right to freedom of association and expression as fundamental right. Following the 18th amendment, labour is now provincial subject requiring the federating units to enact judicious labour laws (industrial relation acts). However, the Punjab Industrial Relation Act 2010 (PIRA) has restricted workers' rights and now requires the presence of at least fifty workers at the enterprise to form trade union. This restriction on the workers is violation of ILO convention 87 on Freedom of Association. Moreover, the workers in the banking sector are not allowed to form trade union.

G. Right to work and to just and favourable conditions of work

Pakistan is signatory to the International Covenant on Economic, Social and Cultural Rights and is obligated to provide institutional support and initiatives to ensure right to safe and healthy working conditions.²⁸ Improvement in various industrial processes is being provided through technological upgrading and various alternative processes have been introduced to ensure the occupational safety and health of the workers.

Law relating to industrial relations as enacted by the Federal Legislature in 2012 and the laws on the same subject as enacted by the Provincial Legislatures in 2010 consequent plan under the 18th Constitutional Amendment provide legal protection to registered workers' rights on freedom of association coverage. However, labour legislation in Punjab does not offer this right in enterprises where workers are less than 50, which is in violation of ILO Convention 87.

Civil society organizations working on child rights issues estimate as many as 2.5 million street children. These children easily become victims of organized criminal gangs, drug pushers and begging mafia who take these children under their wings and use them for criminal activities. The adoption and approval of legislative and regulatory measures to protect children from violence, abuse and exploitation (Child Protection Bill, Child Protection Policy, National Commission on the Rights of Children Bill) is a crucial need.

The State has taken some initiatives to combat child labour, including national policy and plan of action²⁹ and legislation³⁰ on child labour. Presently, the provincial labour department are in the process to further improve the child labour legislation. But capacity concerns remain high posing acute challenges.

The four provincial departments of labour have established child labour units to address child labour issue with UN's support. Ministry of Information has implemented a large scale awareness programme to activate media to combat child labour. Some government measures on the child labour include Pakistan Bait-ul-Maal³¹ running 159 schools across the country and offer free education to rehabilitate 15,000 child labours. But it remains to be seen how devolution will impact Pakistan Bait-ul-Maal fund which is crucial in providing sustained stream of funding for such key initiatives.

The Punjab Government has amended the Employment of Children Act 1991 under the 18th Amendment, with other provinces in the process of updating child labour legislation. Efforts to strengthen the legal position regarding gender balance law is manifest in the following enactments, recently brought on the Federal Statute Book:

1. The Protection against Harassment *of Women* at the Workplace Act, 2010.
2. The Criminal Law (Amendment) Act, 2009

H. Right to social security and to an adequate standard of living

Pakistan has initiated a number of plans to alleviate poverty and improve overall development indicators in the country. UN supported the Planning Commission of Pakistan to formulate an Economic Growth Framework, which intends to revitalize economic growth in the country and to increase employment opportunities among other objectives. At the same time, provincial strategies are being supported and worked on. The issue remain around the capacity to implement and impact at the local level.

Various social security programmes have been in place or have been established in the recent years by the government of Pakistan. Some of these long-term programmes in place include Employees Social Security Scheme, Employees Old-Age Benefits, Workers' Welfare Fund, Pakistan Bait-ul-Maal among other schemes. The aforementioned safety nets are geared to provide funds to poor women, men and children, as well as the disabled.

In the recent years and under the current administration, the Benazir Income Support Programme (BISP) was set up as the largest national social safety net programme, designed to provide relief to the very poor communities whose purchasing power has been eroded by the rising food prices. BISP aims to reach out to 40% of the population living below the poverty line. The Govt. has allocated Rs. 50 billion to BISP for the year 2012. Other programmes include, but not limited to, Watan Card, Sasti Roti Scheme, and Zakat in addition to other province-specific measures.

However, there are concerns over these programmes retaining political dimension, which potentially impacts the flow of funds and integrity of the programmes. Moreover, these funds are mostly straightforward cash dished out to the targeted communities, with little sustainability dimension factored in, for instance, skill enhancement and/or capacity interventions for the beneficiaries. At the same time, the government plans to introduce poverty score-card from the second quarter of 2012 to monitor the participants' poverty rates and tracking changes in poverty rates over time.³²

Pakistan's National Nutrition Survey (NNS) 2011 suggests that around 60% of Pakistan's total population is facing food insecurity. The results of the survey, termed by health experts as "alarming", indicate a significant decline in the nutritional status of the people of the country over the past decade. The survey took a sample of 30,000 households nationwide covering all the provinces and found that around 57% of the households were facing food insecurity. In these households, 50% of the women and children were found to be malnourished. "This confirms that the maternal and child malnutrition remains a major issue for Pakistan," the report said.³³

A few reasons for increased poverty in the country includes the slow economic growth rate of less than 3% over the last three years, double digit inflation especially the food inflation, increased in POL prices in the international markets and the cumulative impact of floods in 2010 and 2011 as well as the law and order situation. In addition to ratification of ILO Convention 118, Government of Pakistan and Provincial Governments have raised social security network for the employees in commercial and industrial sector.³⁴

I. Right to Health

Before the 18th Amendment, the provision of health care in Pakistan was federal subject and Central government was responsible for formulating policy, administering key urban tertiary care hospitals, and implementing a few vertical programs³⁵. The overall budgetary allocation for the health sector has never exceeded more than 1.0% of GDP with the most recent decline to 0.7% in the year 2009.^{36,37} In the post-devolution scenario, the health portfolio has been provincialized leaving a leadership and capacity gap wide open for the provincial set-ups to articulate and subsequently plug.

Similar concerns have arisen following the devolution on account of Lady Health Workers (LHW), the primary vehicle for providing healthcare services to women, especially in poorer communities. There is also a shortage of qualified health related human resources and particularly female healthcare providers³⁸. Besides the ever-present capacity deficits, the issue of regulating manufacturing, licensing, registration and sale of drugs is in a state of suspension in the post-18th amendment scenario.³⁹

As per PDHS 2006-07, the overall pregnancy-related mortality ratio (PRM Ratio) for Pakistan is 297 pregnancy-related deaths per 100,000 live births. As expected, the overall maternal mortality ratio (MMR) is slightly lower (since it excludes non-maternal deaths occurring during pregnancy and 6 weeks postpartum) at 276 maternal deaths per 100,000 live births. Nevertheless, the two rates are very close and compare plausibly with previous estimates. The overall pregnancy-related mortality rate and the maternal mortality rate are the same at 0.4 per 1,000 woman years. The data imply that approximately 1 in 89 women in Pakistan will die of maternal causes during her lifetime (lifetime risk).

J. Right to education

The 18th amendment offers an unprecedented window of opportunity to ensure the right to education for all and transform the education system into one that meets the diverse needs of all boys and girls. Pakistan has introduced a milestone clause -Article 25A worded as: “the state shall provide free and compulsory education to all children of the age of five to sixteen as determined by law”. The measure demonstrates the Government’s commitment to mitigating the circumstances that deny some children the right to a quality education and the strong civil society lobby to achieve this. However, the required “law” to enforce Article 25A is yet to be developed especially now that education is a provincial matter.

Devolving the federal ministry of education has also left a vacuum in terms of norms and standards, and overview of the constitutional guarantee for education. No specific new

budget allocations or budget increases have been recorded whereas the development budget has shrunk especially in the wake of 2010 and 2011 floods.

The urgency for the legislators to act without further delay in getting the legislation in place is called for by the appalling condition of rampant illiteracy and lack of access to education for millions of children, especially girls. As many as 7.3 million primary school aged children (57% girls) are out of school and 50 million adults are illiterate. The number of out of school children escalates to about 25 million if one takes into account children between 5 and 16 years of age. Most of these children and adults are living in poor rural areas.

Pakistan lags behind in terms of achieving EFA goals set for 2015 despite its commitment and ratification to the EFA Framework of Action during the Dakar World Education Forum in April 2000. Political commitment and leadership is present and needs to be further supported.

Public private partnership is key to address the access to education and retention in school and in this regard, the private sector has come in strongly in the previous years to cover the gaps in outreach and educational services. Issue of improved regulatory framework and standards is to be addressed at central level and is being advocated for.

K. Cultural rights

Pakistan ratified the World Heritage convention of 1972 in 1976 and Convention for Intangible Cultural Heritage (2003) in 2005. Legislative measures have been adopted at both federal and provincial level to protect the Ancient Monuments and Archaeological Sites and Remains. The British colonial law, which was updated and largely covered by the Copyright Ordinance of 1962, guides national legislation with respect to intangible heritage. In addition, the Copyright Rules 1967 covered a segment of issues pertaining to intangible heritage. This legislation was retained and peripherally amended in parliament by the Copyright (Amendment) Act of 1992. This was further amended in 2000 by an ordinance. However, the term “intangible cultural heritage” has yet to be incorporated into national law and still there is need of proper legislation for Intangible Cultural Heritage.

Legislation exists at both federal and provincial levels to protect the cultural heritage.⁴⁰ Although the responsibility for culture has been devolved to provinces after the 18th amendment, a separate Ministry for National Heritage and Integration has been established at federal level to negotiate Cultural pacts and protocols with other countries and supervision of some national institutions. Additionally, ministries and department of culture at all the four provinces are primarily responsible for the protection, conservation and promotion of cultural heritage of Pakistan.

A significant development following the 18th Amendment is the devolution of culture to the provinces in 2011, providing an opportunity of empowering local communities to gain ownership of their local cultural heritage yet there are challenges of capacity and resources to properly manage the cultural heritage. Capacity building through technical assistance is imperative to develop a core of experienced and equipped professionals in the culture sector, to ensure cultural rights protection, expression and implementation.

L. Persons with disabilities

The government of Pakistan has ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in June 2011. Inasmuch as the domestic legislation is concerned, the state has taken a number of steps to ensure safeguarding the rights of the disabled persons including the Ordinance on Disabled Persons, 1981 and the National Policy for Persons with Disabilities, 2002. Furthermore, the Government of Pakistan has committed itself to providing 2% job-quota for Persons with Disabilities in the 1981 Ordinance on Disabled Persons.

But there remains considerable attitudinal and behavioral forms exclusion of PWDs, and there is a need to substitute terminologies as special parks and special buildings with other appropriate terminologies in accordance with UNCRPD and other international standards. Another significant step is required in terms of shifting the charity-oriented approach towards the PWDs by creating an enabling environment to protect and empower persons with disabilities.

M. Minorities and indigenous peoples

The only international convention specific to indigenous and tribal peoples ratified by Pakistan is the ILO Convention 107 on Indigenous and Tribal Populations in 1960. Pakistan has so far not signed the ILO Convention 169 on indigenous and tribal peoples. The indigenous communities in Pakistan including migratory (Koochis) pastoral (Rebari and Bakarwal), nature-based (Kalash and Kehal), and in some cases entertainment and occupation based (Jogi, Kabootra and Sanyasi), remain excluded and vulnerable as the national laws do not recognize and protect their peculiar culture and livelihood practices. Most of these people are not even registered in voter lists.

A research study on Koochis and a welfare project for Kalash in Chitral are internationally acclaimed projects. One of the women project leaders from Chitral now represents the indigenous communities of Hindukush at the UN Permanent Forum on Indigenous Issues (UNPFII).

N. Migrants, refugees and asylum-seekers

Pakistan has shouldered the largest population of refugees, mostly displaced by the conflict that ripped through the neighbouring Afghanistan, showing its commitment to safeguarding and protecting refugees. Pakistan has provided shelter, education, and health care despite impact on its economic, social and security infrastructure. Recognition of this is undisputed and is appreciated by the international community.

UNHCR will submit inputs directly on this through its headquarters.

O. Internally displaced persons

Military operations by Government forces against non-state actors (militant groups) has continued throughout the last reporting period in Khyber Pakhtunkhwa (KP) and the

Federally Administered Tribal Areas (FATA) of Pakistan. Sectarian violence has added new complexity to an environment fraught with insecurity and causing displacements. Towards the end of 2011, more than 100,000 registered IDP families remained in displacement - in camp and off-camp settlements.

A new military operation started in January 2012 in Khyber Agency, FATA, displacing more than 47,600 IDP families, bringing the total population of IDPs in KP and FATA to more than 148,00 families or 688,000 individuals as of the end of April 2012. In 2010 and 2011, the country experienced tragic floods with millions of displacement and hundreds of lands and villages destroyed. Reconstruction and rehabilitation are undergoing very slowly and effective interventions in terms of prevention and preparedness are required under the leadership of NDMA (National Disaster Management Authority) with focus on vulnerable groups.

Access to humanitarian assistance is linked to IDP registration, which is, in turn, depends on the IDP originating from an area "notified" by the government and the possession of valid civil documentation. These eligibility criteria have led to the exclusion of certain groups. An IDP Vulnerability Assessment Profiling conducted in 2011 found that almost 40% of IDPs surveyed in KP were not registered. Corrective steps have been taken by government with support of humanitarian partners in 2012 to update registration lists to include such groups.

Alongside new displacements, return of the IDPs to areas "de-notified" by government has also continued with more than 30,000 returning in 2011 and the development of a "Return Framework" with Disaster Management authorities in KP and FATA. An estimated 1.5 million persons displaced from FATA are yet to return to their places of origin. Moreover, it is important to highlight the need for disaggregated data around IDPs and refugees to be able to draw and plan activities responsive to different needs of men and women, boys and girls.

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation from the previous cycle (A/HRC/WG.6/xx/xx/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child

OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Anti Women Practices (Criminal Law Amendment) Act 2011, Protection Against Harassment of Women at the Workplace Act 2008, Criminal Law Amendment act 2009(amendment of section 509), Women in distress & detention fund Act 2011, Criminal Law Amendment Act (S 332, 336)

⁴ Key legislation has been passed recently and much action is taking place in the provinces as well around Acid crime and prevention, Domestic Violence and implementation of the 2010 Harassment at the Workplace.

⁵ Accomplishments in legislative reforms include: the approval of the Sindh Child Protection Authority Act by Provincial Assembly; the enactment of the Khyber Paktunkhwa Child Protection and Welfare Commission Act; the approval of Balochistan and FATA Child protection Policies; and the review of the amendment of the Juvenile Justice System Ordinance (JJSO) 2000 pending vetting and approval by Parliament.

⁶ International Covenant on Civil and Political Rights (IPCCR)

⁷ Convention on the Elimination of All Forms of Discrimination against Women

⁸ Kakakhel, Ijaz (2012, March 10) *Senate passes human rights commission bill*. Retrieved April 28, 2012 from Daily Times Web Edition:
http://www.dailytimes.com.pk/default.asp?page=2012%5C03%5C10%5Cstory_10-3-2012_pg7_4

⁹ Ibid

¹⁰ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearance

[Please make sure that only TBs actually referred to in the document are listed in the footnote.]

¹¹ Abbreviations used follow those contained in the communications report of special procedures (A/HRC/18/51 and Corr.1).

¹² Gazdar, H. (2009). *Policy Responses to Economic Inequality in Pakistan. Policy*.

¹³ *Common Country Assessment 2012*

¹⁴ Abdullah, Aamer et al *Pakistan Common Country Assessment (2012)*

¹⁵ See the Competition Commission of Pakistan reports which have found the Sugar Industry, Pakistan Steel, the Banks Association, and the Cement Manufacturers, engaged in collusive behaviour and in breach of several provisions of law.

¹⁶ PIDE inequality rankings cited by Gazdar, *ibid*.

¹⁷ Akhtar, Sajjad. (2008). "Trends in Regional Inequalities in Pakistan: Evidence Since 1998" *The Lahore Journal of Economics*, (September), 205-220.

¹⁸ The Government of Pakistan made a commitment to prohibiting corporal punishment in all settings, including the home, at a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children. Since the initial UPR of Pakistan in 2008, there have been a number of Bills which would prohibit corporal punishment in some settings – including at federal level a Child Protection Bill (2009) and a Prohibition of Corporal Punishment Bill (2010) and at provincial level the Balochistan Corporal Punishment Bill (2011) – but as at February 2012 law reform has not yet been achieved.

¹⁹ The rate is highest in Punjab, at 77 per cent yet just 0.8 per cent in Balochistan and 1 per cent in FATA

²⁰ In implementing this work, UN takes notice of the Concluding Observations on the CRC, which urged Pakistan to take measures to "remove structural obstacles to birth registration, launch a mass cost-free birth registration campaign and simplify the procedures for birth registration in order to cover all persons in the country, regardless of sex, religion, status or nationality".

²¹ (NCSW, 2009)

²² UNICEF. *The State of the World's Children 2011*.

²³ Getting the Non Objection Certificates (NOC) is a tedious process and a recent memo from the Ministry of Foreign Affairs requires that request is placed well in advance for travel to KP and Balochistan.

²⁴ Last Census was held in 1998.

²⁵ <http://www.ipu.org/wmn-e/classif.htm>

²⁶ Representation of the People Act 1976; Convention on Political Rights to Women 1952; International Covenant on Civil and Political Rights 2008; Legal Framework Order 2002

²⁷ Constitution of Pakistan 1973

²⁸ UNIDO is specifically supporting the Government of Pakistan to fulfill this obligation with reference to industrial sectors.

²⁹ National Policy and Plan of Action to Combat Child Labour 2000

³⁰ Employment of Children Act 1991

³¹ A social protection federal body

³² www.microfinance.com/English/.../Scoring_Poverty_Pakistan_2005...

³³ <http://tribune.com.pk/story/254714/national-nutrition-survey-2011-food-insecurity-affecting-60-of-women-and-children/>

³⁴ This includes old age benefits, group insurance and labour welfare schemes with legal protection; workers trade unions extending social safety net through the system of collective bargaining. For sickness benefits and treatment of diseases hospitals and dispensaries have been established. Industrial workers housing colonies have been raised in most of the industrial towns. Workers and their dependents can also claim compensations and relief in case they meet accidents or suffer occupation disease as a result of employment and under group insurance scheme even outside the employment.

³⁵ (GOP, 2011d) retrieved 29 June 2011

³⁶ (B. T. Shaikh & Hatcher, 2005)

³⁷ (Khalid, 2009)

³⁸ Percentage of births attended by Skill Health Personnel is 39% according to PDHS 2006-7.

³⁹ <http://dawn.com/2012/02/18/drug-control-authority-some-facts/>

⁴⁰ National Antiquities Act 1975 with amendments in 1992, Punjab Antiquities Act of 1975, Special premises Act Punjab, 1985, Antiquities Act of Khyber Pukhtoonkhwa 1997, Sindh Cultural Heritage Act of 1994, which protects ancient monuments, archaeological sites and historical buildings.