



PAKISTAN'S REVIEWS UNDER THE UN TREATY BODY SYSTEM



JUSTICE
PROJECT
PAKISTAN

TABLE OF CONTENTS

C A T

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1 June 2017)	1
A. Introduction.....	1
B. Positive Aspects.....	1
C. Principal subjects of concern and recommendations.....	2
Allegations of widespread use of torture by the police.....	2
Inadequate investigation of complaints of torture.....	3
Impunity for acts of torture by military and paramilitary forces and intelligence agencies.....	4
Torture in the context of counter-terrorism efforts.....	5
Definition and criminalization of torture.....	6
Fundamental legal safeguards.....	6
Enforcement of the Convention by the judiciary and access to justice.....	7
National Human Rights Commission.....	8
Reprisals against and harassment, intimidation and arrest of human rights defenders, lawyers and journalists.....	8
Enforced disappearances.....	9
Monitoring of places of detention.....	9
Conditions of detention.....	10
Violence against women and so-called “honour killings”.....	11
Trafficking and forced labour.....	12
Refugees and non-refoulment.....	12
Due diligence to prevent violence by non-State actors.....	13
Corporal punishment.....	14
Juvenile justice.....	14
Redress.....	14
Data collection.....	15
Follow-up procedure.....	15
Other issues.....	16
Addendum: Information received from Pakistan on follow-up to the concluding observations (12 June 2019)	17

International Convention on the Elimination of All Forms of Racial Discrimination (3 October 2016)	31
A. Introduction.....	31
B. Positive Aspects.....	31
C. Concerns and recommendations.....	32
Application of the Convention.....	32
Definition of racial discrimination.....	33
Legislative framework.....	33
Disaggregated statistical data.....	33
National human rights institutions.....	34
Racist hate speech and hate crimes.....	34
Madrasas.....	35
Violence and segregation of minorities.....	35
Blasphemy laws.....	36
Access to justice.....	36
Violence against minority women.....	36
Bonded labour.....	37
Recognition of minorities and their right to participate in public affairs.....	37
Scheduled castes (Dalits).....	38
Descendants of East Africans (<i>Sheedi</i>).....	38
Gypsies.....	39
Refugees and asylum seekers.....	39
Human rights defenders.....	39
D. Other recommendations.....	40
Ratifications of other treaties.....	40
Follow-up to the Durban Declaration and Programme of Action.....	40
International Decade for People of African Descent.....	40
Consultations with civil society.....	41
Amendment to article 8 of the Convention.....	41
Declaration under article 14 of the Convention.....	41
Common core document.....	41
Follow-up to the present concluding observations.....	41
Paragraphs of particular importance.....	41
Dissemination of information.....	42
Preparation of the next periodic report.....	42

Economic and Social Council (20 July 2017)	43
A. Introduction.....	43
B. Positive Aspects.....	43
C. Principal subjects of concern and recommendations.....	44
Domestic application of the Covenant.....	44
Devolution of powers.....	44
Data collection.....	44
National Commission of Human Rights.....	45
Human rights defenders.....	45
Maximum available resources.....	46
Corruption.....	46
Non-discrimination.....	47
Criminalization of same-sex relations.....	47
Persons with disabilities.....	47
Afghan refugees.....	48
Internally displaced persons.....	48
Persons belonging to minority groups.....	49
Members of the “scheduled castes” or Dalits.....	49
Equality between men and women.....	49
Representation of women in decision-making positions.....	50
Unemployment and underemployment.....	50
Gender pay gap.....	51
Right to just and favourable conditions of work.....	51
Minimum wages.....	51
Bonded labour.....	52
Occupational health and safety.....	52
Trade union rights.....	52
Right to social security.....	53
Protection of the family, mothers and children.....	53
Minimum age for marriage.....	53
Forced conversion and forced marriage.....	54
Violence against women and domestic violence.....	54
Birth registration.....	55
Economic exploitation of children.....	55
Poverty.....	55
Land rights.....	56
Rights to housing.....	57
Water and sanitation.....	58
Right to health.....	58
Sexual and reproductive health.....	58
Right to education.....	59
Privatization of education.....	60
Human rights education.....	62
Cultural rights and linguistic diversity.....	62
Access to the Internet.....	62
D. Other recommendations.....	63
Addendum: Information received from Pakistan on follow-up to the concluding observations (6 August 2019)	65

Convention on the Rights of the Child (11 July 2016)	71
I. Introduction.....	71
II. Follow-up measures taken and progress achieved by the State party.....	71
III. Factors and difficulties impeding the implementation of the Convention.....	72
IV. Main areas of concern and recommendations.....	72
A. General measures of implementation (arts. 4, 42 and 44 (66)).....	72
The Committee's previous recommendations.....	72
Legislation.....	72
Coordination and devolution of powers.....	73
Allocation of resources.....	73
Cooperation with civil society.....	74
B. Definition of the child (art. 1).....	74
C. General principles (arts. 2, 3, 6 and 12).....	75
Non-discrimination.....	75
Best interests of the child.....	75
Right to life, survival and development.....	76
Children sentenced to death.....	77
Killings in the name of so-called honour.....	77
D. Civil rights and freedoms (arts. 7, 8 and 13-17).....	78
Birth registration.....	78
Freedom of religion.....	79
E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39).....	79
Torture and other cruel or degrading treatment or punishment.....	79
Corporal punishment.....	80
Sexual exploitation and abuse.....	80
Harmful practices.....	81
Freedom from all forms of violence.....	82
F. Family environment and alternative care (arts. 5, 9-11, 18(1) and (2), 20, 21, 25 and 27(4))....	83
Family environment.....	83
Children deprived of a family environment.....	83
G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33).....	84
Children with disabilities.....	84
Health and health services.....	85
Mental health.....	86
Adolescent health.....	87
HIV/AIDS.....	87
Drug and substance abuse.....	88
Environmental health.....	88
Standard of living.....	88
H. Education, leisure and cultural activities (arts. 28-31).....	89
Education, including vocational training and guidance.....	89
Madrasas.....	91
I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40).....	91
Asylum-seeking, refugee and stateless children.....	91

Internally displaced children.....	92
Children in armed groups.....	93
Economic exploitation, including child labour.....	93
Children in street situations.....	95
Sale, trafficking and abduction.....	95
Enforced disappearances.....	96
Administration of juvenile justice.....	96
J. Ratification of the Optional Protocols to the Convention on the involvement of children in armed conflict and on a communications procedure.....	98
K. Ratification of international human rights instruments.....	98
V. Implementation and reporting.....	99
A. Follow-up and dissemination.....	99
B. Next report.....	99

International Covenant on Civil and Political Rights (23 August 2017)	101
A. Introduction.....	101
B. Positive Aspects.....	101
C. Principal matters of concern and recommendations.....	102
Applicability of the Covenant.....	102
Reservations.....	102
National human rights institution.....	102
Non-discrimination.....	103
Violence against women and domestic violence.....	104
Voluntary termination of pregnancy and maternal mortality.....	105
Enforced disappearance and extrajudicial killings.....	106
Anti-Terrorism Act.....	107
Torture.....	108
Deprivation of liberty.....	109
Freedom of movement.....	109
Right to fair trial and administration of justice.....	109
Freedom of religion, conscience and belief.....	110
Right to privacy.....	111
Freedom of expression.....	111
Freedom of assembly and association.....	112
Early marriage and forced marriage.....	112
Protection of children.....	112
Afghan refugees.....	113
Right to participate in public affairs.....	113
D. Dissemination and follow-up.....	114
Addendum: Information received from Pakistan on follow-up to the concluding observations (20 May 2019)	115
Annexure A: Steps taken by Provincial Governments for the Protection of Minorities.....	124
Addendum 2: Evaluation of the information on follow-up to the concluding observations on Pakistan (8 November 2019)	127



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of Pakistan*

1. The Committee against Torture considered the initial report of Pakistan (CAT/C/PAK/1) at its 1506th and 1508th meetings (see CAT/C/SR.1506 and 1508), held on 18 and 19 April 2017, and adopted the present concluding observations at its 1530th and 1531st meetings, held on 4 and 5 May 2017.

A. Introduction

2. The Committee welcomes the submission of the initial report of Pakistan and the information contained therein. It regrets, however, that the report was submitted four years late.
3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international human rights instruments by the State party:
 - (a) The International Covenant on Civil and Political Rights, in 2010;
 - (b) The Convention on the Rights of Persons with Disabilities, in 2011;
 - (c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016.

* Adopted by the Committee at its sixtieth session (18 April-12 May 2017).

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5. The Committee also welcomes the adoption of the following legislative, administrative and policy measures by the State party in areas of relevance to the Convention:
 - (a) The National Action Plan for Human Rights, in 2016;
 - (b) The Anti-Honour Killing Law (Criminal Amendment Bill) and the Anti-Rape Laws (Criminal Amendment Bill), in 2016;
 - (c) The National Human Rights Commission Act, in 2012, and the operationalization of the National Human Rights Commission, in 2015;
 - (d) The Investigation for Fair Trial Act and the corresponding Investigation for Fair Trial Rules, in 2013.

C. Principal subjects of concern and recommendations

Allegations of widespread use of torture by the police

6. While noting with appreciation the State party's rejection of torture and the efforts made to develop and strengthen mechanisms to implement its obligations under the Convention, the Committee is deeply concerned at consistent reports that the use of torture by the police with a view to obtaining confessions from persons in custody is widespread throughout the territory of the State party. While the State party indicated that disciplinary measures had been taken against more than 7,500 police officers in Punjab and Khyber Pakhtunkhwa provinces as punishment for involvement in torture, death in custody, misuse of official power, misbehaviour and illegal confinement, no information was provided to the Committee indicating that criminal proceedings had been initiated against any of the police officers concerned. The Committee notes that, during the dialogue, the State party provided information on 13 cases in which prosecutors had brought charges against members of the police, including cases of alleged extrajudicial killing and torture. However, no indication was given of whether any of the cases has yet resulted in criminal penalties (arts. 2, 12 and 16).
7. **The Committee calls upon the State party to:**
 - (a) **Ensure that officials of the State party at the highest levels unambiguously reaffirm the absolute prohibition of torture and publicly condemn all practices of torture, and issue a clear warning that anyone committing such acts or otherwise complicit or participating in torture will be held personally responsible before the law and will be subject to criminal prosecution and appropriate penalties;**
 - (b) **Take measures to ensure that all police officers in the State party are prohibited by law from engaging in torture, as under the 2002 police order applicable in certain provinces of the State party;**

- (c) **Ensure that police officers who engage in torture are prosecuted and punished with penalties that are commensurate with the gravity of the offence of torture, as required under article 4 of the Convention;**
- (d) **Train police officers and security forces on the absolute ban on torture, the provisions of the Convention, and forensic evidence-gathering techniques that will reduce their reliance on securing confessions as the basis for criminal investigations.**

Inadequate investigation of complaints of torture

8. The Committee regrets that police officers reportedly frequently threaten or are not responsive to persons who seek to register First Information Reports alleging official misconduct; that officers are charged with investigating allegations of torture committed by their colleagues and that the Federal Investigation Agency is not sufficiently independent to ensure that criminal cases against police officers are effectively pursued; that the oversight bodies contemplated by the State party's legislation are not operational or effective in practice; and that, although medical doctors have documented evidence of torture in many cases, the authorities are reluctant to take action on the basis of that information (arts. 2, 11-13 and 15).
9. **The Committee urges the State party to:**
 - (a) **Take effective measures to ensure that persons who file complaints concerning conduct amounting to torture, witnesses to torture and their families are protected against harassment and intimidation in retaliation for making a complaint;**
 - (b) **Ensure that police officers suspected of committing acts of torture are suspended during the investigations into allegations of torture pending their outcome;**
 - (c) **Take immediate measures to ensure the establishment and effective operation of effective police oversight bodies, particularly public safety commissions, at the district and provincial levels throughout the State party;**
 - (d) **Consider creating a mechanism that is independent of the police hierarchy and has the capacity to receive complaints, investigate and address all allegations of torture;**
 - (e) **Strengthen the independence of the district standing medical boards and ensure that the authorities promptly open criminal investigations into all cases in which medico-legal boards find evidence that a person has been subjected to torture in custody.**

Impunity for acts of torture by military and paramilitary forces and intelligence agencies

10. The Committee is deeply concerned at reports that members of the State party's military forces, intelligence forces, such as the Inter-Services Intelligence agency, and paramilitary forces, such as the Frontier Corps and the Pakistan Rangers, have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances. The Committee is also concerned about the possibility provided in the State party's laws for retroactive immunity for acts of torture committed by members of the military and paramilitary forces after the February 2008 events, under provisions of the Actions (in Aid of Civil Power) Regulation of 2011 and the 2015 amendment to the Army Act, which grants all personnel associated with military courts complete retrospective immunity from prosecution for actions taken in "good faith". The Committee is further concerned by the exclusive jurisdiction of the military justice system over soldiers accused of offences against civilians. It regrets that the State party provided no information on members of the military, intelligence services or paramilitary forces who had been prosecuted and punished for acts amounting to torture, as defined by the Convention. It also regrets that the State party did not provide the information it had requested on the status of investigations or prosecutions concerning cases it raised with the delegation, including: (a) the alleged involvement of army officers in the enforced disappearance in 2012 of 35 persons from an internment centre in Malakand, Khyber Pakhtunkhwa province; (b) the alleged involvement of members of the Frontier Corps in the enforced disappearance and killing in 2009 of Baloch political figures Ghulam Mohammad Baloch, Lala Munir Baloch and Sher Mohammad Baloch; and (c) the death in May 2016 of Aftab Ahmad in the custody of members of the Pakistan Rangers (arts. 2, 12-13 and 16).

11. The State party should:

- (a) **Take all necessary measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body, that perpetrators are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes;**
- (b) **Amend the Actions (in Aid of Civil Power) Regulation and the 2015 amendment to the Army Act to eliminate retrospective immunity and clarify that anyone committing acts of torture, or otherwise complicit, acquiescent or participating in torture, will be subject to criminal prosecution and upon conviction, appropriate penalties;**
- (c) **Ensure that military personnel are tried in civil courts for acts of torture and similar offences;**

- (d) **End the State party's use of paramilitary forces to carry out law enforcement tasks and ensure that complaints of torture made against members of such forces are investigated and prosecuted.**

Torture in the context of counter-terrorism efforts

12. While recognizing the State party's ongoing efforts to protect its population from violence by certain non-State terrorist groups, the Committee is deeply concerned that its counter-terrorism legislation, particularly the Anti-terrorism Act, 1997, eliminates legal safeguards against torture that are otherwise provided to persons deprived of their liberty. That legislation allows security agencies and civil armed forces to detain any person suspected of committing an offence under the Act for up to three months without review or the possibility of lodging a habeas petition, and allows the detention without trial of up to a year of any person suspected of being involved in the activities of a proscribed organization. The Committee is also concerned that the Act allows courts to admit confessions as evidence as long as the district superintendent of police was present when the accused confessed, in contrast with civil courts where confessions are admissible in court only if they are made to a magistrate. The Committee is deeply concerned that the State party has authorized military courts to try civilians for terrorism-related offences, most recently in 2017 under the twenty-third amendment to the Constitution, particularly in view of the lack of independence of military court judges, which are within the military hierarchy. The Committee is also deeply concerned about the practices of such courts, including the holding of closed trials. Furthermore, the Committee is concerned by the very broad powers given to the Army to detain people suspected of involvement in terrorist activities without charge or judicial supervision in internment centres under the Actions (in Aid of Civil Power) Regulation, 2011 (arts. 2 and 15).
13. **The Committee recalls that article 2 (2) of the Convention indicates that no exceptional circumstances whatsoever may be invoked as a justification of torture. In its general comment No. 2 (2007) on the implementation of article 2, the Committee states that exceptional circumstances include any threat of terrorist acts. In that regard, the Committee urges the State party to:**
 - (a) **Repeal or amend the Anti-terrorism Act and other relevant legislation to ensure that all persons deprived of their liberty have access to legal safeguards against torture, including prompt presentation before a magistrate and the possibility of a habeas petition, and to ensure that confessions obtained without the presence of a magistrate are inadmissible as evidence;**
 - (b) **Put an end to the use of military courts for terrorism-related prosecutions, transfer criminal cases brought against civilians from military courts to civil courts**

and provide the opportunity for appeal in civil courts of cases involving civilians that have already been adjudicated under military jurisdiction;

- (c) **Repeal or amend the Actions (in Aid of Civil Power) Regulation, 2011 in order to remove the power of the military to establish internment centres in the Federally Administered Tribal Areas and the Provincially Administered Tribal Areas, and ensure that no one is held in secret or incommunicado detention anywhere in the territory of the State party, as detaining individuals in such conditions constitutes per se a violation of the Convention. So long as such internment centres remain in operation, ensure that independent monitors and family members of those detained are able to access those places of detention.**

Definition and criminalization of torture

14. While noting that article 14 (2) of the Constitution of Pakistan prohibits torture for the purpose of extracting information, that certain provisions of the Pakistan Penal Code punish infliction of “hurt” and that the Police Order 2002 punishes torture by police officers, the Committee is concerned that the State party’s legislation fails to provide a specific definition of torture that incorporates its various elements, as defined in article 1 of the Convention, and fails to explicitly criminalize it as required under articles 2 (1) and 4 of the Convention. The Committee is also concerned that a bill on torture, custodial death and custodial rape (prevention and punishment) has been pending before the parliament for several years without being adopted (arts. 1-2 and 4).
15. **The Committee urges the State party to take the necessary measures to incorporate into its legislation a specific definition of torture that covers all the elements of the definition contained in article 1 of the Convention and establishes penalties that are commensurate with the gravity of the act of torture. The Committee encourages the State party to review the torture, custodial death and custodial rape (prevention and punishment) bill to ensure its full compatibility with the Convention and promote its adoption, or propose new legislation to accomplish that.**

Fundamental legal safeguards

16. While noting that the State party’s legislation guarantees legal safeguards such as prompt access to a lawyer, family access and the requirement that all arrested persons must be presented to a magistrate within 24 hours of detention, the Committee is concerned about reports that those safeguards are not respected in practice. The Committee is also concerned by the lack of effective implementation of the right to request and receive an independent medical examination promptly upon deprivation of liberty, and that not all detentions are recorded promptly in a comprehensive central detention register that is accurate and accessible to detainees’ family members (art. 2).

17. The State party should ensure, in law and in practice, that all detainees are afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2 (2007) on the implementation of article 2. In particular, it should ensure:
- (a) That all persons deprived of their liberty are able in practice to have prompt access to a lawyer, especially during police interrogations, to notify a relative or other person of the detainee's choice of the reasons for and place of detention, to challenge, any time during the detention, the legality or necessity of the detention before a magistrate who can order the detainee's immediate release, and to receive a decision without delay. The State party should regularly verify that law enforcement officials respect legal safeguards, and penalize any failure by officials to do so;
 - (b) That its legislation includes a provision guaranteeing all persons deprived of liberty the right to request and receive promptly an independent medical examination;
 - (c) That all deprivations of liberty are recorded promptly in a comprehensive central detention register, and that all detainees' family members and their lawyers have the right to access that information in the register.

Enforcement of the Convention by the judiciary and access to justice

18. The Committee is concerned about reported discrepancies in the administration of justice, including with respect to the jurisdiction of the Federal Shariat Court, which create difficulties for victims of torture who seek justice, as referenced by the Special Rapporteur on the independence of judges and lawyers (see A/HRC/23/43/Add.2). The Committee is particularly concerned about reports that women victims of torture face numerous obstacles in accessing justice, which leads to impunity and other violations of the Convention.
19. The Committee calls on the State party to ensure that all judicial and extrajudicial bodies in the State party uphold the provisions of the Convention. It urges the State party to ensure that, should the decisions reached by those bodies be found to contravene its obligations under the Convention, the decisions can be challenged and invalidated. The State party should review practices that inhibit all victims of torture from lodging complaints and ensure that all complaints of torture are promptly and impartially examined by competent authorities and that all individuals who lodge complaints are protected from retaliation.

National Human Rights Commission

20. While welcoming the State party's creation of the National Human Rights Commission in 2015, the Committee is deeply concerned that the Chairman of the Commission did not receive the reportedly required authorization and as a result, staff of the Commission were unable to participate in a private meeting with the Committee just prior to the interactive dialogue with the State party. The Committee is also deeply concerned that the legislation providing for the creation of the Commission states that the Commission cannot inquire into the practices of the intelligence agencies and is not authorized to undertake full inquiries into reports of human rights violations by members of the armed forces. The Committee welcomes the significant increase in funding provided to the Commission. However, it is concerned that further resources, including personnel, are required for the Commission to effectively monitor respect for human rights throughout the country (arts. 2 and 12-13).
21. **The State party should take immediate measures to ensure that the National Human Rights Commission is able to carry out its mandate fully and in an effective and independent manner, and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by allowing the Commission to meet in person with international human rights mechanisms abroad. The State party should strengthen the power of the Commission and ensure that it is able to investigate all cases of torture or ill-treatment committed by any entity carrying out arrests and detentions in the State party, including intelligence agencies and armed forces. The State party should also strengthen its efforts to provide the Commission with sufficient financial and human resources for it to carry out activities throughout the State party.**

Reprisals against and harassment, intimidation and arrest of human rights defenders, lawyers and journalists

22. The Committee is concerned about continued reports of intimidation and harassment, including physical attacks and administrative detention, of human rights defenders, lawyers and journalists and their family members. The reports include the cases of human rights defenders Waqas Goraya, Aasim Saeed, Salman Haider and Ahmad Raza Naseer, who were allegedly abducted by State agents in January 2017, and journalist Zeenat Shahzadi, who was allegedly subjected to enforced disappearance in August 2015. The Committee is also concerned by the lack of information provided by the State party concerning any investigations into such allegations (arts. 2, 12, 14 and 16).
23. **The State party should take all the necessary measures to protect human rights defenders, lawyers and journalists from harassment and attacks, systematically investigate all reported instances of intimidation, harassment and attacks with a view to prosecuting and punishing perpetrators, and guarantee effective remedies to victims**

and their families, including in the above-mentioned cases. The State party should ensure that no person or organization is subjected to harassment or intimidation as a result of having published information concerning the State party's compliance with its obligations under the Convention.

Enforced disappearances

24. The Committee welcomes the State party's cooperation with the Working Group on Enforced or Involuntary Disappearances, including receiving a visit in 2012. However, the Committee is concerned that enforced disappearance is not criminalized as a distinct offence in the State party. It is also concerned that hundreds of enforced disappearances have been reported in recent years in the State party and that the State party's authorities have not taken adequate steps to investigate the reports and identify those responsible. The Committee is further concerned by reports that the national Commission of Inquiry on Enforced Disappearances is not sufficiently independent and lacks the resources to carry out its mandate. The Committee regrets that the work of the Commission has not yet resulted in any criminal prosecutions in cases of enforced disappearance (arts. 2, 12, 14 and 16).
25. **The State party should ensure that enforced disappearance is a specific crime in domestic law, with penalties that take into account the grave nature of such disappearances. It should ensure that all enforced disappearances are thoroughly, promptly and effectively investigated, suspects are prosecuted and those found guilty are punished with sanctions proportionate to the gravity of their crimes. It should also take measures to strengthen the independence, resources and investigative capacity of the national Commission of Inquiry on Enforced Disappearances to enable it to fulfil its mandate effectively and independently. Furthermore, the State party should implement the advice of the Working Group on Enforced or Involuntary Disappearances, especially with regard to increasing the power of the National Commission of Inquiry on Enforced Disappearances and allocating it adequate resources.**

Monitoring of places of detention

26. The Committee welcomes the State party's information about the so-called "jail committees" that conduct periodic visits in every jail and prison to inquire about the state of the inmates and make recommendations to jail authorities to address inmates' grievances. However, the Committee is concerned at reports that the jail committees have not been made operational in practice and about the lack of a fully independent monitoring mechanism (arts. 2, 11-13 and 16).

27. The State party should:

- (a) **Ensure that the reports of the jail committees are made public and that the authorities follow up on cases in which monitors identify concerns about torture or ill-treatment;**
- (b) **Ensure that independent national and international monitors, including representatives of non-governmental organizations, are able to monitor all places of arrest, detention and imprisonment through regular visits, including unannounced visits. It should collect information on the place, time and periodicity of visits, including unannounced visits, to places of arrest, detention and imprisonment, and on the findings and the follow-up to the outcome of such visits;**
- (c) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establishing a national preventive mechanism.**

Conditions of detention

28. The Committee is deeply concerned about reports that cases of death in custody as a result of torture and allegations of sexual abuse of minors by prisoners and prison staff have not been subject to effective investigation and the perpetrators of such acts have not been punished. The Committee is also concerned at reports that severe overcrowding and extremely poor conditions are pervasive in places of detention in the State party, including unsanitary facilities and insufficient access to medical services. It is further concerned at reports that 70 per cent of the prison population consists of pretrial detainees and that juvenile prisoners are kept together with adults. The Committee is concerned that, despite a declaration by the High Court that the use of fetters is unconstitutional, fettering is reportedly still common in certain areas of Pakistan. The Committee is deeply concerned that individuals imprisoned on charges of blasphemy are frequently placed in solitary confinement for extended periods of time, as is reportedly the case of Junaid Hafeez, who has been held in solitary confinement since May 2014 (arts. 11 and 16).

29. The State party should:

- (a) **Ensure that all cases of death in custody are promptly and effectively investigated;**
- (b) **Establish an independent and confidential complaints system for all persons deprived of their liberty;**
- (c) **Urgently strengthen efforts to alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment;**

- (d) Take effective measures to improve sanitation, health services and facilities available to all detainees and ensure that conditions of detention in the State party are brought into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- (e) Ensure that pretrial detainees are held separately from convicts, women from men and minors from adults, and that allegations of sexual abuse are duly investigated and the perpetrators prosecuted and punished;
- (f) Refrain from holding individuals in solitary confinement for a prolonged period of time on the grounds that doing so is necessary to ensure their safety. In cases where those concerns are present, such as with respect to persons deprived of their liberty on charges of blasphemy, the State party should ensure that the measures taken to effectively protect such individuals from harm do not themselves amount to ill-treatment;
- (g) Ensure that the prohibition against fettering persons deprived of their liberty is enforced throughout the territory of the State party.

Violence against women and so-called “honour killings”

30. While noting the adoption of the Anti-Rape Laws (Criminal Amendment Bill), 2016 and the Anti-Honour Killing Law (Criminal Amendment Bill) and the State party's commitment to addressing those crimes, the Committee is concerned about the reportedly high level of violence against women in the State party, which includes murder, rape, acid crimes, kidnappings, domestic violence and “honour killings”. It is also concerned about the extremely low conviction rates for those crimes, and at reports that parallel justice systems (known as panchayats or *jirgas*), have sentenced women to violent punishment or even death, including stoning, and have provided lenient punishments for perpetrators of “honour crimes” and in other cases of serious gender-based violence (arts. 2, 14 and 16).

31. The Committee urges the State party to:

- (a) Intensify efforts to prevent, combat and eradicate all forms of violence against women, including by strengthening legal provisions in national and provincial legislation that address and criminalize violence against women;
- (b) Ensure that all cases of violence against women are thoroughly, effectively and promptly investigated, that perpetrators are prosecuted and convicted with penalties commensurate with the gravity of the crime and that victims obtain redress, including adequate compensation;

- (c) Further strengthen its efforts to invalidate and ensure that State officials do not recognize or carry out judgments of parallel justice mechanisms or alternative dispute resolution mechanisms, such as panchayats or *jirgas*, that exculpate perpetrators of crimes committed in the name of “honour”, that call for women to be subject to corporal punishment, or that are otherwise inconsistent with the State party’s obligations under the Convention;
- (d) Guarantee in practice that women who are victims of violence have immediate access to legal remedies, and ensure that they are able to access effective protection, including shelters, medical care and psychological support;
- (e) Conduct awareness-raising campaigns and training for public officials concerning their due diligence obligation under the Convention to protect women from violence, including honour killings, and to refrain from acquiescing in or condoning such violence.

Trafficking and forced labour

32. The Committee is concerned that, despite the efforts made by the Government, consistent reports refer to high levels of trafficking in persons for sexual exploitation and forced or bonded labour, including exploitation of children as domestic workers in slave-like conditions (arts. 2, 12, 14 and 16).

33. The Committee urges the State party to:

- (a) Take measures to eradicate and combat human trafficking and forced labour, investigating all allegations of trafficking and forced labour and ensuring that perpetrators are prosecuted and convicted with sentences commensurate with the gravity of the crime;
- (b) Establish mechanisms for the systematic and regular monitoring of workplaces in the formal and informal sectors, including domestic work, in order to prevent forced and bonded labour and other forms of ill-treatment, abuse and exploitation;
- (c) Ensure that victims of trafficking obtain redress, including compensation and rehabilitation.

Refugees and non-refoulement

34. While commending the State party for hosting millions of refugees, many of them Afghans, the Committee is concerned about recent documented reports of coercion, including threats of deportation and police abuse, extortion, raids and arbitrary detention, to return Afghans, including registered refugees, to their country of origin

where they could be at risk of persecution, torture or ill-treatment. The Committee regrets the lack of a legal framework for refugees and asylum seekers (art. 3).

35. The State party should:

- (a) **Amend legislation, particularly the Extradition Act 1972 and the Foreigners Order 1951, and procedures to fully comply with the principle of non-refoulement and to protect refugees and asylum seekers, in line with article 3 of the Convention;**
- (b) **Consider adopting a comprehensive law on asylum that is consistent with international human rights standards and norms and is in accordance with article 3;**
- (c) **Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;**
- (d) **Investigate allegations of police abuse against Afghans and other actions by public authorities undertaken for the purpose of coercing them to return to their country of origin, despite the real risk of torture they face, and discipline or criminally sanction those responsible for such abuse.**

Due diligence to prevent violence by non-State actors

36. The Committee is concerned about reports of violence against and inadequate efforts by the State party's authorities to protect vulnerable individuals, particularly members of Shia, Christian and Ahmadiyya communities and individuals accused of blasphemy, from violence by non-State actors. The Committee is particularly concerned about the conduct of the State party's authorities in the recent case of Mashal Khan, who was killed by a mob after being accused of blasphemy. The Committee is also concerned by reports that the State party's authorities have sometimes refrained from promptly investigating reports and prosecuting perpetrators of activities including abduction for ransom by groups including the Haqqani Network and Lashkar-e-Tayyaba (arts. 2, 12-13 and 16).

37. The Committee calls on the State party to:

- (a) **Protect members of vulnerable groups, including religious minority communities and individuals exercising freedom of opinion or expression, from violence perpetrated by non-State actors. The State party should ensure that all acts of violence by non-State actors, including mob violence, are investigated promptly, effectively and impartially, that perpetrators are punished and that victims obtain appropriate redress;**
- (b) **Ensure that the State party's authorities promptly investigate allegations of abduction for ransom by all non-State actors and groups operating in its territory.**

Corporal punishment

38. While noting the information provided by the State party's delegation that they are not implemented in practice, the Committee is concerned that provisions in the State party's laws allow for the imposition of corporal punishment, including whipping, amputation and stoning (art. 16).
39. **The State party should take the necessary legislative measures to eradicate and explicitly prohibit all forms of corporal punishment in all settings, as they amount to torture and cruel, inhuman or degrading treatment or punishment, in violation of the Convention.**

Juvenile justice

40. The Committee is concerned about the execution of individuals who were reportedly minors at the time of the offence, in breach of international and domestic prohibitions. While noting that minors have the possibility of challenging their age determination in court, the Committee is concerned about the reported lack of an adequate mechanism to determine the age of juvenile offenders that is in line with due process and fair trial standards.
41. **The State party should ensure the existence of effective mechanisms for appealing age determination decisions in a timely manner. The Committee recommends that the State party increase its efforts to ensure that any minor accused of a crime receives independent and effective legal counsel.**

Redress

42. While welcoming the efforts of the Government to create new rehabilitation centres that provide medical and psychological assistance, the Committee is concerned about reports that many victims of torture are unable to access redress and compensation. It is also concerned at the lack of information provided by the State party on cases in which victims of acts of torture or ill-treatment committed by public officials have obtained compensation or other forms of redress (art. 14).
43. **The Committee, recalling its general comment No. 3 (2012) on the implementation of article 14, urges the State party to:**
- (a) **Take measures to guarantee that victims of torture and ill-treatment benefit from effective remedies and obtain full and effective redress and reparation, including adequate compensation and rehabilitation, regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted or convicted;**

- (b) **Ensure that specialized, holistic rehabilitation services are available and promptly accessible by victims of torture and ill-treatment without discrimination, through the direct provision of rehabilitative services by the State or through the funding of other facilities, including those administered by non-governmental organizations.**

Data collection

44. While acknowledging that the Committee's review concerned the State party's initial report under article 19 of the Convention, the Committee deeply regrets that the State party's report did not contain, and that the delegation of the State party could not provide, the data requested on prosecutions and convictions of public officials for conduct amounting to torture under the Convention; information on the progress of particularly significant investigations; data on the number, capacity and occupancy rate of places of detention in the State party; and data on redress, including compensation provided in cases of torture and ill-treatment. The Committee also regrets the absence of statistical data on investigations and prosecutions concerning enforced disappearances, violence against women and girls, trafficking in persons, contemporary forms of slavery and instances of deportation of refugees (arts. 2-3, 11-14 and 16).
45. **The State party should collect and submit statistical data, disaggregated by the age and sex of the victim, that would allow the Committee to more effectively assess the State party's implementation of the Convention at the national level, particularly data on complaints, investigations, prosecutions and convictions related to acts of torture and ill-treatment attributed to law enforcement personnel. Statistical data should also be collected and submitted on physical and sexual violence against girls and women, domestic violence, refugees and enforced disappearances.**

Follow-up procedure

46. **The Committee requests the State party to provide, by 12 May 2018, information on follow-up to the Committee's recommendations on prosecutions of police officers found guilty of acts of torture, the establishment and operation of effective police oversight bodies and measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body (see paras. 7 (c), 9 (c) and 11 (a)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

Other issues

47. The Committee recommends that the State party withdraw the reservation not recognizing the competence of the Committee to make a confidential inquiry, provided in article 20.
 48. The State party is requested to make publicly available and disseminate widely the report submitted to the Committee, the summary records of the dialogue and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.
 49. The Committee invites the State party to submit its next periodic report, which will be its second periodic report, by 12 May 2021. To that end, the Committee invites the State party to agree, by 12 May 2018, to follow the optional reporting procedure in preparing that report. Under that procedure, the Committee will transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its second periodic report under article 19 of the Convention. The State party is also invited to submit its common core document in accordance with the requirements contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6).
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**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General

12 June 2019

English only

Committee against Torture

Concluding observations on the initial report of Pakistan

Addendum

Information received from Pakistan on follow-up to the concluding observations*

[Date received: 31 May 2019]

* The present document is being issued without formal editing.

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Paragraph 7c

Ensure that police officers who engage in torture are prosecuted and punished with penalties that are commensurate with the gravity of the offense of torture, as required by article 4 of the Convention

1. The Government has introduced reforms to enhance the operational capacity, accountability mechanisms and professionalism of Police Department. Strong accountability mechanisms and necessary checks and balances are in place in the Police Department and efforts are being done to further strengthen them and ensure their implementation across the board.
2. Government of Pakistan has prepared Torture and Custodial Death (Prevention & Punishment) Bill, 2018, in consultation with relevant stakeholders, to harmonize the national legislation with the provisions of the subject Convention. The subject Bill will address the issues pertaining to definitions and punishment for torture.
3. Any case of alleged police torture or misbehavior get immediate attention and are thoroughly investigated. Whenever, case of violation of any Rules/Regulations by any police officer is brought to the attention of the competent authority (Regional Police Officer/City Police Officer/District Police Officer), departmental action is immediately initiated against the concerned officer. If the accused officer is found guilty after due departmental inquiry, he/she is awarded punishment.
4. Different ground of punishments i.e. Major (Dismissal, Removal from Service, compulsory retirement, forfeiture of approved services, reduction in pay rank, and recovery from pay/pension) Minor (withholding of increment, withholding of promotion, reduction of lower stages or stages in pay scale, censure, extra drill quarter guard and fine) have been given to personnel. Some of the actions undertaken include:
 - In the province of Punjab, all field units have been sensitized to adopt forensic methods and modern investigation techniques to curb the nefarious element;
 - In Punjab overall 233 constables, 88 Head constables, 205 Assistant Sub Inspectors, 189 Sub Inspectors, 64 Inspectors, 7 Deputy Superintendents Police were punished for different violations i.e. Torture, death in custody, misuse of official power, misbehavior and illegal confinements during 2017;
 - In Khyber Pakhtunkhwa, 4605 constables, 667 Head constables, 507 Assistant Sub Inspectors, 423 Sub Inspectors, 65 Inspectors, 19 Deputy Superintendents of Police were punished for different violations during 2013–2015;

- In Sindh, 18 constables, 3 Head constables, 2 Assistant Sub Inspectors, 3 Sub Inspectors, 1 Inspector of Police were punished for different violations including torture, illegal custody/confinement and misbehavior during 2016–2017;
- In Balochistan, 818 major punishments have been imposed to police officials i.e. ASP/DSP, Inspectors, Sub-Inspectors, ASIs and Constables for their negligence from duty, torture, absence from duty and criminal cases. At the same time, 1418 officials of different Cadre were censured for different grounds during 2015–2016.

Paragraph 9c

Take immediate measures to ensure the establishment and operation of effective police oversight bodies, particularly Public Safety Commissions, at the district and provincial levels throughout the State party

Paragraph 11a

Take all necessary measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body, that perpetrators are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes

Public Safety Commissions/Redressal Mechanisms against Police

5. Public Safety Commissions have been established under the Police Order 2002. They have been entrusted in task of bringing harmony between public and police as well as eliminating notorious “Thana Culture”. The Commission has been tasked to regulate the Police system and check against any discrimination or bias in the performance of duty. The National and Provincial Public Safety Commissions are doing commendable job of being independent watch dogs and keeping close eye on any abuse of power or any complaints of torture of misbehavior.

National/Federal Public Safety Commission

6. In the performance of its duties, the National Public Safety Commission (NPSC) oversees the functioning of the Federal Investigation Agency, Pakistan Railways Police, Anti-Narcotics Force, Frontier Constabulary, Pakistan Motorway and Highway Police, any other Federal Law Enforcement Agency and Anti-smuggling Wing of Customs exercising police powers.
7. A total of forty-six sessions of NPSC have been held since its inception on 6 June, 2006. NPSC is fully functional and providing redressal to public.

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8. National Police Bureau is working as Secretariat of NPSC.
 9. As per Police Order, following is the composition and mandate of NPSC:
 - i. The National Public Safety Commission consists of twelve members and the ex-officio Chairperson;
 - ii. Half of the members of the National Public Safety Commission are nominated by the Speaker of the National Assembly from amongst its members three each from the treasury and the opposition in consultation with the Leader of the House and the Leader of the Opposition; provided that at least one member shall belong to each Province, and to Islamabad Capital Territory; and provided further that at least two members shall be women;
 - iii. The other half comprising independent members are appointed by the President from a list of names recommended by the National Selection Panel; provided that at least one member shall belong to each Province, and to Islamabad Capital Territory; and provided further that at least two members shall be women.

Selection of Independent Members

10. There is a Selection Panel for independent members consisting of Chief Justice of Supreme Court of Pakistan [or a Judge of the Supreme Court nominated by the Chief Justice] who shall be its Chairperson and one nominee each of President and Prime Minister; provided that such nominee shall not be elected representative or public servant. The selection of independent members is done by consensus.
11. The selection process is to be completed within thirty days from the commencement of the selection process. Independent members need to be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.
12. The selection panel invites applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward names of persons twice the number of appointments to be made to the President of Pakistan.

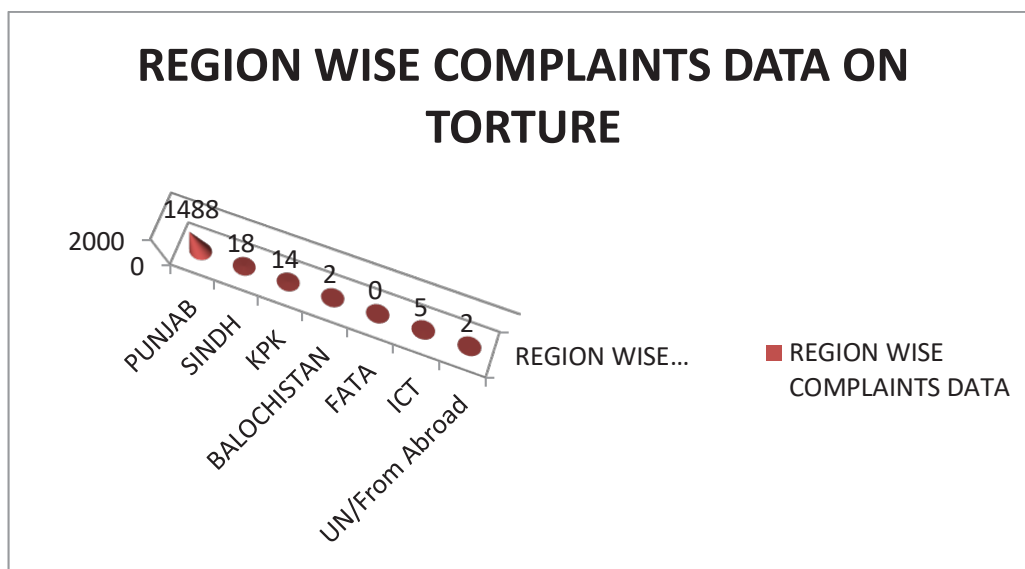
Other Accountability Mechanisms at Federal Level

National Commission for Human Rights (NCHR)

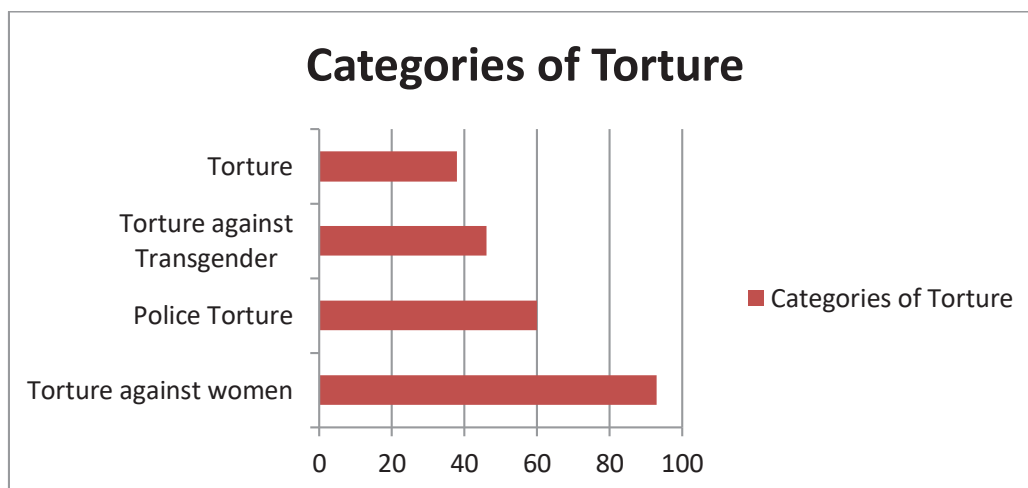
13. NCHR, established in 2015, is an independent statutory body which has powers to take cognizance of human rights violations either on suo-moto basis or on petition and can summon persons or inquires into violations of human rights. Its overall mandate is to promote and protect human rights as enshrined in the Constitution of Pakistan and

international agreements to which Pakistan is a party. Guided by the Paris Principles and Act XVI of 2012, this is a key institution for the promotion and protection of basic human rights and fundamental freedoms of all. NCHR does not only monitor situation of human rights but also abridges the gap between the civil society and government stakeholders. It also provides a platform for victims to raise their voices and provides an opportunity for redressal of the violations of their human rights.

14. Recognizing the spirit of 18th amendment, facilitating easy access to victims of human rights violations and considering the importance of its presence at provincial levels, the Commission has established five (05) regional offices in provincial headquarters and Islamabad Capital Territory. The Commission is also monitoring human rights situation in FATA through its regional office established at Peshawar.
15. These regional offices are fully operational, hearing and resolving complaints of victims of human rights violation including Torture and contributing in improving human rights situation at provincial levels.
16. The Commission, in addition to its other mandates, is also contributing in effective implementation and follow-up of concluding observations and recommendations of UN treaty bodies.
17. NCHR, being an independent NHRI, effectively deals with any complaints of torture and other cruel inhuman degrading treatment and punishment.
18. NCHR is a quasi-judicial forum. Exercising powers of civil court, it has showed remarkable resilience in dealing with matters relating to custodial torture, forced conversions, domestic violence, extra-judicial killings and blasphemy etc. Since its establishment, NCHR received 1529 complaints of police torture which includes 59 suo-motu notices and provided redress in 29 petitions. Remaining petitions are at different stages and being investigated to fix the responsibility. The Commission has directed the relevant authorities to take punitive actions against perpetrators accordingly. Subsequently concerned authorities are submitting their reports of their actions to the Commission.



The Chart on Torture



19. NCHR is also mandated to receive complaints against members of military or para-military forces relating to preventive detention, enforced disappearances and extra-judicial killings.

Helpline (1099)

20. Ministry of Human Rights has established a **Helpline 1099** for support and service to complaints against police or any other human rights violations.

Human Rights Officers (HROs)

21. Human Rights Officers (HROs) are posted in each Police Station of Islamabad to facilitate general public. Their functions are:

- To monitor the activities at the police station and report to Senior Superintendent of Police through Zonal Superintendents of Police;

- To monitor and ensure formal arrest of the accused to be made and present before the court within 24 hours;
- To ensure that all the arrested persons are kept in the lockup;
- To Provide Free Legal aid/advice, in case required by the accused;
- To ensure Women are referred to Women police station for investigation and detention.

22. Following steps have been taken by the Islamabad Capital Territory Police for community policing:

- More accessible and sensitive to community problems;
- Courteous and polite with public;
- Provision of security to public;
- Improved relations between police and public;
- Redressal of the grievances of the public;
- Resolving minor disputes and non-cognizable cases through citizen's committees.

Steps taken by Provinces

Khyber Pakhtunkhwa: Public Safety Commissions

23. The Khyber Pakhtunkhwa Police Act, 2017 called for setting up new public safety commissions at the provincial and district levels for which members would be appointed for a three-year term. Accordingly, Government of Khyber Pakhtunkhawa notified District Public Safety Commissions. Details are as under:

<i>S. #</i>	<i>Name of District</i>	<i>Date of notification</i>
1.	Bannu	17th August, 2017
2.	Charsada	17th August, 2017
3.	Karak	17th August, 2017
4.	Mardan	17th August, 2017
5.	Lakki Marwat	17th August, 2017
6.	Swabi	17th August, 2017
7.	Buner	13th Sept., 2017
8.	Dir Lower	19th Oct., 2017
9.	Hangu	11th April, 2018
10.	Swat	12th April, 2018
11.	Haripur	28th March, 2018
12.	Battagram	28th March, 2018

24. The Provincial Public Safety Commission consists of thirteen (13) members as per following:

- i. Four (04) members of the Provincial Assembly, to be nominated by the Speaker of the Provincial Assembly comprising two members from treasury benches to be nominated in consultation with leader of the House and the other two from opposition benches to be nominated in consultation with leader of opposition; provided that one member shall be female;
- ii. Advocate General, Khyber Pakhtunkhwa as ex-officio member;
- iii. Eight (08) members, shall be independent members, recommended by the Provincial Scrutiny committee from the following categories:
 - (a) One retired High Court Judge;
 - (b) One retired officer from armed forces equivalent to the rank of Major General;
 - (c) One retired civil servant in BPS-21 or above;
 - (d) One retired Police Officer in BPS-21 or above; and
 - (e) Four members from civil society including one female and one minority member.

25. The Provincial Public Safety Commission has been given powers to:

- (a) Evaluate the performance of the Police twice a year and submit annual report to the Government and Provincial Assembly;
- (b) Take cognizance of police excesses, except matters relating to investigation, of Regional Police Officers and Head of District Police on the request of aggrieved person, and proceed in the manner provided in section 50;
- (c) Enquire into the complaints against the members of the Regional Police Complaints Authorities and District Public Safety Commissions;
- (d) Coordinate and supervise the functions and evaluate the performance of the District Public Safety Commissions and Regional Police Complaint Authorities;
- (e) Approve Provincial Annual Policing Plan;
- (f) Assist police in redressal of their issues and grievances;
- (g) Recommend to the Government for grants to various police establishments within the Province, for enhancing their capability to perform their functions efficiently as prescribed in the law; and
- (h) Recommend reforms for modernization of laws and procedure in respect of police.

26. For the purpose of enquiries, the Chairman Provincial Public Safety Commission has been notified, an "Enquiry Panel" consisting of five members provided that two of its members shall be from amongst the retired Government servants.
27. When a complaint is received by the Commission, it refers it to the Provincial Police Officer who then holds inquiry within a period of twenty-one (21) days and take appropriate action under the rules. If after receipt of the report, the Commission is not satisfied, the Chairman may direct the Enquiry Panel to inquire the matter and give final decision. The decision shall be conveyed to the relevant Competent Authority for taking appropriate action in accordance with rules and report to the Commission within a period of thirty (30) days about the action taken. The aggrieved person shall have the right of appeal to the Competent Authority as provided in the relevant Efficiency and Disciplinary Rules of Police.

Capacity Building & Trainings

28. Khyber Pakhtunkhwa police is focusing on capacity building and training of police officials and officers to enable them to adopt community based modern police services and avoid traditional methods of investigation. In this regard, Police School of Investigation, Police School of Intelligence, Police School of Explosive Handling, Police School of Public Disorder & Riot Management, Police School of Information Technology, Police School of Tactics, New Police Training Schools, Joint Police Elite Training Center, have been established.

Quasi-judicial and non-judicial mechanism especially departmental check and balance to discourage Torture

29. Under Section 74 of the Police Act 2017, Criminal Justice Coordination Committees (CJCC) have been established in all the districts of Khyber Pakhtunkhwa. Main functions of CJCC are: keep under review the operation of the justice system, promote understanding, cooperation and coordination in the criminal justice system and promotion of good practices.

Raising of Specialized Units

30. Khyber Pakhtunkhwa Government has established following specialized units in Police departments to improve the efficiency and affectivity of the force:
- (a) Counter Terrorism Department;
 - (b) Rapid Response Force;
 - (c) Women Elite Unit;
 - (d) Cellular Forensic Cell.

31. SOS alert service has also initiated for education institutions and sensitive establishments.

Consultative Decision Making

32. Following Consultative Decision making process has been adopted for better performance audit:

- (a) Police Policy Board;
- (b) Streamlining of Police process through issuance of operational and policy guidelines and introduction of Empirical Performance Audit Mechanism.

Community Engagement

33. Following mechanisms have been evolved for engagement of community in policing and to maintain Law & Order situation:

- iv. Dispute Resolution Councils;
- v. Police Access Service;
- vi. Police Assistance Lines;
- vii. Public Liaison Councils;
- viii. Model Reporting Rooms.

Balochistan

34. Provincial Public Safety and Public Complaint Commission was established in Balochistan on 14th April 2006. The Commission had become functional after the establishment of temporary Secretariat in October 2006. Present Commission has representation from both legislature and civil society.

35. At the provincial level, Public Safety and Public Complaint Commission is performing its functions according to its mandate and strong measures are being taken by Government to expedite the notification, establishment, and functioning of District Public Safety and Public Complaint Commissions. The representation of independent and elected members ensures the participation of different stakeholders in planning and monitoring of police and other law enforcing agencies leading to enhancing the trust of common man in police.

36. After transformation of Levies into Police, control of police has spread almost all over the Province of Balochistan. The role of PPS & PCC is very important as far as the present scenario is concerned as it acts as a bridge between public and police by receiving the grievances of people so that police discharges its duties appropriately without causing any harm or injury to any community.

Child Protection Unit

37. The Child Protection Unit was established at CPO with the collaboration of UNICEF. Child Protection Unit (a Friendly Unit/ outlet) was established in Quetta City. The objective is to provide protective services to the children in contact and conflict with law directly or through referrals and guidance and to discourage traditional methods. The Child Protection Unit is working diligently to achieve its objectives.

Forensic Scientific Laboratory

38. The Balochistan Police Department has established Forensics Science Laboratory, which has been working under the supervision of Director Crimes Branch Balochistan Quetta. This Laboratory has examined cases of various criminal natures, i.e Narcotics (Charas, Heroin, Opium, Alcohol) and Biological Specimens (Murder, Rape, and Vehicles) on behalf of the Balochistan Police and other law enforcement agencies in Balochistan This laboratory has played a great role to extract the evidence on scientific grounds instead of using torture and other traditional methods.

E Complaint System

39. E Complaint system has been established in Balochistan. Any citizen can lodge his/ her complaint against any malpractice, corruption and torture through email.

Sindh

Public Safety Commissions

40. The Sindh Home Department has notified District Public Safety and Police Complaints Commissions. The offices are operational in Karachi, Hyderabad, Badin, Dadu, Thatta, Matiyari, Jamshoro, Mirpurkhas, Sanghar, Umerkot, Tharparkar, TandoAllahyar, Sukkur, Khairpur, Ghotki, Shaheed Benazirabad, Naushero Feroze, Larkana, Shikarpur, Jacobabad, Kashmore, Kamber and Sujawal.

Human Rights Cells

41. Government of Sindh has established Human Rights Cells initially in four districts as Public redressal mechanism. These Cells are working in Hyderabad, Sukkar, Larkana & Mirpurkhas. The Cells are established at DIG office. Sub Inspector of Police is looking after these cells and the focal persons are appointed from civil society in these cells. These cells are working as monitoring mechanisms, besides building capacity of police officers with regard to international and domestic human rights legislation and practices.

Sindh Human Rights Commission

42. The Commission deals with the complaints regarding the violation of human rights and negligence by public servants in the prevention of such violations. The Commission

recommends remedial measures including action against the persons involved in human rights violations. Besides it gives policy recommendations to Government with a view to protect human rights.

43. The commission members also conduct jail visits to assess the living conditions of the inmates and make recommendations to improve the same. It also reviews the safeguards provided in the law and Constitution and recommend measures for their effective implementation, besides making recommendations for the effective implementation of treaty bodies to which Pakistan is signatory.

IG Police Complaint Cell

44. Police Department has established complaint cell/complaint management system. It is one window facilitation and online complaint portal where any aggrieved person can directly register complaint against police or any other human rights violation through SMS, E-mail or call.

45. At the same time Helpline 9110 is also working for tracking and registering complaints.

Madadgar Helpline 15

46. Sindh Police has established Madadgar Helpline 15 for quick response to public grievances including grievances against the police.

Punjab

47. The officers/officials involved in torture are being prosecuted under the relevant provisions of law. Strict measures have been taken to avoid torture by the police. All field units have been sensitized to adopt forensic methods and modern investigation technique. Government of Punjab has also established following institutional mechanisms to address the public grievances against the police.

E complaint System

48. IG Police has established this system to facilitate the general public against police including torture and registration of FIRs.

Punjab Commission on the Status of Women

49. The Government of Punjab has established Punjab Commission on the Status of Women to address the women issues including inspecting jails, sub-jails, Darul Amans and Women's Centres or other places of custody, where women and girls are kept.
50. Punjab Commission on the Status of Women has established a Helpline for women. It caters for any complaints from women against police as well. The Helpline team

proactively creates awareness amongst public through outbound awareness calls. Another crucial part of the Helpline is the media outreach strategy which includes Whatsapp and SMS messaging, public awareness sessions, advertising of the Helpline on rickshaws, newspaper and mass print advertising, and promotional campaigning.

Human Rights Task Force

51. The Government of Punjab has also established Human Rights task force at provincial and district level under the chair of Provincial Minister for Human Rights and Minorities Department. Provincial Human Rights Departments have launched their Provincial Human Rights Policy/Strategy in 2018 to further improve human rights situation in the province.

Punjab Forensic Lab

52. The Government of Punjab has established Punjab Forensic Lab to receive physical evidence from law enforcement agencies on criminal and civil cases, analyze and provide accurate results of forensic analysis in timely manner, and testify in Courts of Law on analytical findings. This lab is also providing services to other Provincial Governments and Law Enforcement Agencies and playing a pivotal role to discourage the traditional methods including torture to extract the evidence.

Public Safety Commission

53. In Punjab, District Public Safety Commissions were notified in 2007 for 3 years till 2010. After that no District Provincial Safety Commissions were notified and are dysfunctional since then. As the quorum of Committee could not be completed due to non-functioning of Local Government, which is a necessary component of the Committee and situation is same till date. However, after the promulgation of Local Government Act, 2019 and new elections, the quorum of the Committee would complete and the District Public Safety Commissions would be constituted soon afterwards.

Conclusion

54. Human Rights agenda is of priority for the Government, since it believes that real positive change cannot come at the grass root level and sustainable development cannot be achieved without addressing the basic needs and protection of fundamental freedoms. It is a work in progress and we will continue to strengthen our democratic institutions for improving public service delivery for our citizens.



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-first to twenty-third periodic reports of Pakistan*

1. The Committee considered the combined twenty-first to twenty-third periodic reports of Pakistan (CERD/C/PAK/21-23), submitted in one document, at its 2470th and 2471st meetings (see CERD/C/SR. 2470 and 2471), held on 16 and 17 August 2016. At its 2483rd and 2484th meetings, held on 25 August 2016, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-first to twenty-third periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee also welcomes the open and constructive dialogue with the State party's high-level delegation.

B. Positive aspects

3. The Committee welcomes the State party's adoption or establishment of the following legislative, policy and institutional measures:
 - (a) The National Action Plan for Human Rights, 2016;
 - (b) The Sindh Hindus Marriage Act, 2016;
 - (c) The National Human Rights Commission Act, 2012, and the operationalization of the Human Rights Commission of Pakistan in 2015;
 - (d) The Domestic Violence (Prevention and Protection) Act, 2012;
 - (e) The Acid Control and Acid Crime Prevention Act, 2011 (the Criminal Law Act (Second Amendment));

* Adopted by the Committee at its ninetieth session (2-26 August 2016).



- (f) The Prevention of Anti-Women Practices Act, 2011 (the Criminal Law Act (Third Amendment));
- (g) Quotas allocated for minorities and women at the federal and provincial assemblies, as well as for minorities, women and persons with disabilities in public services.
4. The Committee also welcomes the ratification by the State party of the following international human rights instruments:
- (a) The Convention on the Rights of Persons with Disabilities, in 2011;
 - (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011;
 - (c) The International Covenant on Civil and Political Rights, in 2010;
 - (d) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2010;
 - (e) The United Nations Convention against Transnational Organized Crime, in 2010.

C. Concerns and recommendations

Application of the Convention

5. The Committee regrets the lack of information provided on the application of the Convention in the domestic legal order, including examples and the number of such cases. It reiterates its concern that the laws of the State party, including the Constitution, and the jurisdiction of superior courts are not applicable to the entire territory of the State party, particularly the Federally Administered Tribal Areas (see CERD/C/PAK/CO/20, para. 9). Consequently, the Convention is not applied or implemented at all the federal, provincial and territorial levels (art. 2).
6. **The Committee recommends that the State party take all measures necessary to ensure that its Constitution and laws, particularly those laws relevant to the implementation of the Convention and other international human rights instruments to which the State is a party, as well as the jurisdiction of the courts, are applicable to the entire territory, including the Federally Administered Tribal Areas. It also recommends that the State party eliminate all the provisions in its national legislation that hamper the application of the Convention. It further recommends that the State party intensify its efforts to improve judges', prosecutors' and lawyers' awareness of the Convention and their application of it.**

Definition of racial discrimination

7. The Committee is concerned that the Constitution and laws of the State party do not provide a definition of racial discrimination, in conformity with articles 1 and 2 of the Convention. It is also concerned at the narrow understanding and interpretation of racial discrimination by the State party (see CERD/C/PAK/21-23, para. 23), which leads it to suppose an absence of racial discrimination within its jurisdiction (arts. 1, 2 and 4).
8. **Drawing the attention of the State party to its general recommendation No. 14 (1993) on article 1 (1) of the Convention, the Committee recommends that the State party take the steps necessary to ensure that a definition of racial discrimination is incorporated in its domestic legislation, in line with articles 1 and 2 of the Convention. It also recommends that the State party take all measures necessary to improve the understanding of racial discrimination, its relevance for the State party, and the Convention among all public officials and the general public.**

Legislative framework

9. The Committee is concerned at the absence of specific legislation in conformity with articles 1 and 4 of the Convention in the State party to prohibit acts of racial discrimination against individuals; declare illegal and prohibit racists organizations; and criminalize the dissemination of ideas based on superiority, hatred, incitement to racial discrimination, and all acts of violence or incitement to such acts against persons or groups of persons on the grounds of race, colour, descent, or ethnic or national origin. The Committee reiterates its concern that the State party has not yet adopted comprehensive anti-discrimination legislation (see CERD/C/PAK/CO/20, para. 11) (art. 4).
10. **Recalling its general recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention and No. 35 (2015) on combating racist hate speech, the Committee recommends that the State party adopt a legislative framework, including a comprehensive anti-discrimination law, that prohibits and criminalizes all acts of racial discrimination in line with article 4 of the Convention.**

Disaggregated statistical data

11. The Committee regrets that the State party has delayed the national census and that, as a result, there is no updated data on the ethnic composition of the population. It reiterates its concern at the lack in the State party report of disaggregated statistical data on the realization of the rights enshrined in the Convention (see CERD/C/PAK/CO/20, para. 8) (art. 1).
12. **The Committee urges the State party to intensify its efforts to conduct a national census as soon as possible. It recommends that the State party provide the Committee**

with information on the ethnic composition of the population and disaggregated statistical data on the socioeconomic situation of various groups. That would enable the Committee to evaluate the economic and social situation of those groups and the level of protection of their rights enshrined in the Convention. The collection of such data, based on self-identification by the individuals concerned, should be carried out in accordance with the Committee's general recommendation No. 8 (1990) on the interpretation and application of article 1 (1) and (4) of the Convention, and with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1).

National human rights institutions

13. While welcoming the establishment of the Human Rights Commission of Pakistan in 2015, the Committee is concerned at the insufficient level of financial and human resources allocated to the Commission and its limited mandate, including with regard to investigation of cases of human rights violations allegedly committed by State agencies. It remains particularly concerned at the ambiguity of the Commission's status, mandate, functions and powers and the possible duplication of the institutions involved (art. 2).
14. **The Committee recommends that the State party take the measures necessary to strengthen the independence and effectiveness of the Human Rights Commission of Pakistan in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). That includes allocating sufficient resources to the Commission and strengthening its powers and jurisdiction to investigate all cases of human rights violations, including racial discrimination, committed by any public officials. The Committee encourages the State party to seek A status accreditation from the Global Alliance of National Human Rights Institutions for the Human Rights Commission of Pakistan.**

Racist hate speech and hate crimes

15. The Committee notes the efforts made by the State party to address racist hate speech and hate crimes, including a number of arrests for such crimes. However, it remains deeply concerned at the reportedly high incidence of hate crimes such as harassment, violent mobs and killings of persons belonging to ethnic and religious minorities, particularly Hazaras, Christian Dalits, Hindu Dalits and Ahmadis, and the absence of investigation and prosecution. It is also concerned at reports of a rise in racist hate speech targeting ethnic and religious minorities and refugees, including by public officials and political parties, in the media, on social networks and at religious gatherings (arts. 2, 4 and 6).
16. **Drawing the State party's attention to its general recommendation No. 35 (2015) on combating racist hate speech, the Committee recommends that the State party:**

- (a) Take effective measures to enhance the reporting of racist crimes, including through reinforcing victims' trust in the police and prosecutors;
- (b) Investigate all reported cases of racist hate speech and hate crimes, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences, and provide the victims with effective remedies;
- (c) Take comprehensive measures to combat racist hate speech, including through enhanced human rights education and awareness-raising campaigns, and ensure that public officials refrain from such speech and condemn it.

Madrasas

17. The Committee notes the information provided by the State party on the measures taken to close down a number of madrasas and to regulate the curricula thereof. However, it remains concerned that some school curricula and textbooks have content that has the potential to incite hatred against religious and ethnic minorities. The Committee is particularly concerned at reports that madrasas are given the autonomy to develop their own curricula without State oversight and that the curricula of some madrasas have content that promotes hatred, and have been used as a platform for military training and recruitment.

18. **The Committee recommends that the State party:**

- (a) **Monitor school curricula and textbooks at all levels, including those of madrasas, to ensure that they promote understanding, tolerance and friendship among different ethnic and religious groups;**
- (b) **Continue and intensify its efforts to reform madrasas.**

Violence and segregation of minorities

19. The Committee is concerned at violence against minorities, particularly Ahmadis, Hazaras and Dalits, and their de facto segregation in isolated areas without fair access to employment, health care, education and other basic services, which is exacerbated by growing violence against them (arts. 3 and 6).

20. **The Committee recommends that the State party intensify its efforts to end violence against Ahmadis, Hazaras, Dalits and other minority groups, and take effective measures to combat the segregation of members of those communities. It also recommends that the State party ensure that those who are in segregated areas enjoy their rights as stipulated in article 5 of the Convention, particularly the rights to employment, health care, education and other basic services.**

Blasphemy laws

21. The Committee notes the State party's efforts to prevent misuse of the blasphemy laws. However, it is concerned at the broad and vague definition of offences against religions provided for in those laws, including sections 295, 295-A, 295-B, 295-C, 298-A, 298-B and 298-C of the Pakistan Penal Code 1860, and the disproportionate use of those laws against individuals belonging to ethnic and religious minorities. It is also concerned at reports about the large number of blasphemy cases based on false accusation and the absence of investigation and prosecutions, as well as reports that the judges who hear blasphemy cases and those accused of blasphemy are facing intimidation, death threats and murder (arts. 5 and 6).
22. **The Committee recommends that the State party consider repealing the blasphemy laws that go against freedom of expression and religion, as established in the Constitution. It also recommends that the State party take all measures necessary to prosecute and punish those who have made false accusations and to provide effective remedies to the victims of false accusations. The Committee urges the State party to take all measures necessary to protect the judges who hear blasphemy cases and those accused of blasphemy.**

Access to justice

23. The Committee welcomes the free legal assistance programmes provided for in the National Action Plan for Human Rights of 2016 and the allocation of funding to that end. However, it remains concerned that persons belonging to ethnic and religious minorities, refugees and the scheduled castes (Dalits) have limited access to justice owing to high legal fees and the lack of clarity on the criteria and procedure for the application of the free legal assistance programmes (arts. 5 and 6).
24. **The Committee recommends that the State party effectively implement the planned free legal assistance programmes by establishing fair and effective criteria and procedures for application, and making information on the programmes widely available to the public, particularly to those who are most in need of legal assistance.**

Violence against minority women

25. While noting the efforts made by the State party to combat violence against women, the Committee remains concerned at its persistence, particularly against women from an ethnic and religious minority background. The Committee is particularly concerned that, despite the provisions in the Criminal Law (Amendment) Act of 2004 that criminalize offences committed in the name of honour, as well as the adoption of the Criminal Laws (Amendment) Bill 2015, the practice of honour killings is still pervasive throughout the country; that the penalties provided for in the 2004 Act are not

dissuasive; and that the *qisas* and *diyat* ordinances continue to be applied in those cases, resulting in perpetrators being pardoned and not being prosecuted and punished (arts. 2, 5 and 6).

26. **The Committee urges the State party to intensify its efforts to eradicate violence against women, including rapes, acid crimes and killing of women in the name of honour, by further strengthening the existing legislative framework, enhancing the enforcement of the existing laws and conducting campaigns to educate people against those phenomena. It recommends that the State party encourage reporting of cases of violence against women; investigate all reported cases, particularly honour killings, in a prompt and thorough manner; prosecute and punish the perpetrators with appropriate penalties; and provide effective remedies to the victims.**

Bonded labour

27. The Committee is concerned that, despite the adoption of the Bonded Labour System (Abolition) Act of 1992, bonded labour practices persist in the State party, particularly in the brick kiln and textile industries and among the scheduled castes (Dalits). It appears that the Act has not been effectively implemented owing to the lack of awareness about it among people working under debt-bondage and among law enforcement and judicial officials (arts. 1 and 5).
28. **The Committee recommends that the State party take all measures necessary to fully implement the Act and urges it to publicize information on the Act and the remedies provided for in it, particularly among affected individuals and communities, as well as relevant public officials. It also recommends that the State party intensify labour inspections into workplaces where there is a high risk of forced and bonded labour, particularly in the informal economy sector, and investigate cases of labour discrimination and labour exploitation.**

Recognition of minorities and their right to participate in public affairs

29. The Committee is concerned at the persistently narrow interpretation of the concept of minorities, exclusively consisting of religious minorities. It is also concerned at the absence of a legislative framework to recognize and protect all minority groups, particularly ethnic minorities and groups that are minorities on multiple grounds, in line with article 1 of the Convention (see CERD/C/PAK/CO/20, para. 10). Furthermore, while appreciating the good intentions and efforts of the State party, the Committee is concerned that the limited recognition of minorities coupled with the absence of data on the situation of various minority groups has reduced the effectiveness of the measures taken to address the challenges faced by persons belonging to minority groups, including the quota systems currently in place to enable those groups to be equitably represented in the political domain and in employment (arts. 1, 2 and 5).

30. The Committee reiterates its recommendation that the State party broaden its understanding and constitutional definition of minorities, taking into consideration all the grounds of discrimination included in article 1 (1) of the Convention and their intersectional nature. It also recommends that the State party collect information on minorities, including relevant statistical data, and develop effective measures based on that information to ensure that people belonging to minority groups enjoy the rights enshrined in article 5 of the Convention, without discrimination.

Scheduled castes (Dalits)

31. The Committee notes the State party's statement that it does not recognize any discrimination among individuals on the basis of their membership of a specific caste. It is however, concerned at the de facto existence of the scheduled castes (Dalits) and the continuing discrimination against them, particularly in employment and education. The Committee is deeply concerned at persistent reports of abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage. It regrets the lack of detailed information and data on the situation of Dalits in the State party (arts. 1, 2 and 5).

32. Recalling its general recommendation No. 29 (2002) on article 1 (1) of the Convention (Descent), the Committee recommends that the State party take the measures necessary to end discrimination against Dalits, particularly in accessing employment and education. It urges the State party to take immediate action to end the forced conversion and forced marriage of Christian and Hindu Dalit women and to prosecute and punish the abductors with penalties commensurate with the gravity of the crime. It requests the State party to include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report.

Descendants of East Africans (*Sheedi*)

33. The Committee regrets the absence of information on the situation of the *Sheedi* community, the descendants of East Africans, who reportedly face discrimination and restrictions on their participation in cultural activities, including the annual *Sheedi Mela*, which had been held in Karachi for centuries (arts. 1, 2 and 5).

34. The Committee recommends that the State party take the measures necessary to ensure that the *Sheedi*, both individuals and the community, enjoy their rights to participate in cultural activities and to resume their historic cultural event, *Sheedi Mela*. It requests the State party to provide information on the situation of the *Sheedi*, including relevant statistical data, in its next periodic report.

Gypsies

35. The Committee notes with concern reports that the majority of gypsies in the State party have been restricted in enjoying the rights enshrined in article 5 of the Convention, particularly rights to access to employment, social protection benefits, health-care services, education and other public services, mainly owing to their lack of identity documents. It regrets the lack of information and data provided by the State party on the situation of gypsies in Pakistan (arts. 1, 2 and 5).
36. **Bearing in mind its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party take effective measures to issue gypsies with identification documents. It requests the State party to include information on the situation of gypsies in the country, including relevant statistical data, in its next periodic report.**

Refugees and asylum seekers

37. The Committee highly commends the State party for having received and hosted over 3 million refugees, mainly from war-torn Afghanistan, over a number of decades in spite of the grave security and other challenges it faces. The Committee, however, is concerned at the growing hostility and violence against those refugees, particularly in the wake of the attack on the army-run school in Peshawar in December 2014. It is also concerned at the large number of unregistered refugees, whose access to public services is restricted and whose living conditions in refugee camps and urban informal settlements is poor. It is further concerned at the absence of a legislative and policy framework to manage refugees and to facilitate voluntary repatriation (arts. 2 and 5).
38. **The Committee recommends that the State party take effective measures to mitigate the intensified hostility towards Afghan refugees and to protect them from violence. It also recommends that the State party conduct comprehensive registration of refugees and take effective measures to ensure their right to access employment, health-care services, education, water and sanitation and other public services. It further recommends that the State party expedite the adoption of a national refugee law and a comprehensive policy on voluntary repatriation and management of Afghan nationals. The Committee encourages the State party to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

Human rights defenders

39. The Committee is concerned at the high number of cases of intimidation, abduction and killing of human rights defenders, lawyers and journalists working for the rights of minorities, and at the limited action taken by the State party to investigate such cases and to bring the perpetrators to justice (arts. 5 and 6).

40. The Committee recommends that the State party ensure that all reported cases of intimidation, abduction and killing of human rights defenders, lawyers and journalists are promptly and thoroughly investigated and that those responsible are held accountable. It also recommends that the State party take all measures necessary to provide a safe environment for those working to protect and promote human rights.

D. Other recommendations

Ratification of other treaties

41. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

Follow-up to the Durban Declaration and Programme of Action

42. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

43. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

44. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Amendment to article 8 of the Convention

45. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

46. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

Common core document

47. The Committee encourages the State party to submit its common core document, which dates to 1998, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for the such documents.

Follow-up to the present concluding observations

48. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14, 18 and 28 above.

Paragraphs of particular importance

49. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 6, 22, 30 and 32 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

50. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next periodic report

51. The Committee recommends that the State party submit its combined twenty-fourth to twenty-sixth periodic reports, as a single document, by 4 January 2020, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
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Concluding observations on the initial report of Pakistan*

1. The Committee considered the initial report of Pakistan (E/C.12/PAK/1) at its 30th to 32nd meetings (see E/C.12/2017/SR.30-32), held on 12 and 13 June 2017, and adopted the present concluding observations at its 47th meeting, held on 23 June 2017.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party, despite the long delay in submission, and the supplementary information provided in the written replies to the list of issues (E/C.12/PAK/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the State party's high-level delegation.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of:
 - (a) The Convention on the Rights of Persons with Disabilities, in 2011;
 - (b) The International Covenant on Civil and Political Rights, in 2010;
 - (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2010;
 - (d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011.
4. The Committee welcomes the adoption by the State party of the Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014, in 2016.

* Adopted by the Committee at its sixty-first session (29 May-23 June 2017).



C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee is concerned that Covenant rights have not been fully incorporated into the domestic legal order and, in particular, that the Constitution of the State party does not recognize economic, social and cultural rights as fundamental rights that are justiciable, but recognizes them only as policy guidelines.
6. **The Committee recommends that the State party take all measures necessary to ensure that Covenant rights are fully incorporated into its domestic legal order with a constitutional rank equal to that of civil and political rights and to ensure that all these rights are applied by the domestic courts at all levels. It also recommends that the State party enhance training for judges, lawyers and public officials on the Covenant. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

Devolution of powers

7. The Committee notes that, through the eighteenth amendment to the Constitution, some powers of the federal government have been devolved to provincial and territorial governments, particularly in the areas of employment, social security, housing, health care and education. The Committee is concerned at the low and varying levels of financial and administrative capacity of the provincial and territorial governments, as well as at the lack of coordination between the federal and the provincial and territorial governments, which affect the enjoyment of economic, social and cultural rights and result in substantial geographical disparities.
8. **The Committee recommends that the State party take all measures necessary to strengthen the financial and administrative capacity of the provincial and territorial governments and to improve coordination among governments with a view to ensuring that people in the State party, regardless of their place of residence, enjoy Covenant rights on an equal basis, particularly in the areas of employment, social security, housing, health care and education.**

Data collection

9. While appreciating the efforts to update the national census, the Committee is concerned at the lack of data at the federal, provincial and territorial levels on people's enjoyment of economic, social and cultural rights in the country.
10. **The Committee recommends that the State party take all measures necessary to improve its data-collection system, including its national census, with a view to collecting comprehensive and comparative data, which would make it possible to**

assess the level of enjoyment of Covenant rights, particularly by disadvantaged and marginalized individuals and groups. It also recommends that the State party provide, in its next periodic report, the comparative annual statistical data necessary to assess the progressive realization of Covenant rights and ensure that such data are disaggregated by sex, age, geographical location, disability, religion and other status.

National Commission for Human Rights

11. While welcoming the establishment of the National Commission for Human Rights, the Committee is concerned that it lacks independence and does not have the capacity to effectively carry out its mandate, as it is not in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, it is concerned, despite the information provided by the State party, that a notification of the Government of 9 March 2017 has effectively brought the Commission under the supervision of the Ministry of Human Rights. It is also concerned about the letter of the Ministry of Human Rights dated 2 June 2017 denying the Commission the mandate to submit an independent report to United Nations bodies, including the treaty bodies, and about the recommendations made by the National Assembly's Standing Committee on Human Rights to the Ministry in relation to the Commission's recent engagement with a United Nations human rights treaty body.
12. **The Committee urges the State party to take all measures necessary to ensure that the Commission is able to fulfil its mandate while maintaining its independence from the executive and the legislative branches of government and that the Commission is protected from interference from any organs of the State. Reminding the State party that cooperation with the United Nations human rights system, including the human rights treaty bodies, is a core function of national human rights institutions, as prescribed in the Paris Principles, it recommends that the State party ensure that the mandate and responsibilities of the Commission are in line with the Paris Principles and that sufficient funding is allocated for its effective functioning. It also encourages the Commission to seek accreditation from the Global Alliance of National Human Rights Institutions.**

Human rights defenders

13. The Committee is deeply concerned at repeated reports of abduction, killings and intimidation of human rights defenders, particularly those fighting for economic, social and cultural rights, allegedly committed in some cases by State agents, including members of military intelligence services.
14. **The Committee urges that the State party make every effort to protect human rights defenders from abduction, killings and intimidation; promptly and thoroughly**

investigate all reported cases of harassment, disappearance and killing of human rights defenders and bring the perpetrators to justice; and take all measures necessary to ensure a safe and favourable environment for human rights defenders and civil society actors. The Committee draws the attention of the State party to its statement on human rights defenders and economic, social and cultural rights (E/C.12/2016/2).

Maximum available resources

15. The Committee is concerned at the very low level of public funding allocated to areas relating to Covenant rights, particularly employment, social security, housing, water and sanitation, health and education, which cannot be justified by the high levels of defence expenditure. It is also concerned that a large portion of the funding allocated for education remains unspent in some provinces. Furthermore, it is concerned that the tax-to-gross domestic product ratio of Pakistan is very low and that the tax regime of the State party, characterized by a limited tax base, a non-progressive tax system and a heavy reliance on indirect taxes, may not be effective in significantly increasing spending on Covenant rights (art. 2 (1)).
16. The Committee calls upon the State party to take all measures necessary to substantially increase the level of public funding, at both the national and provincial levels, to ensure the progressive realization of economic, social and cultural rights. It also recommends that the State party review its tax regime with a view to increasing its tax revenue and ensuring that it does not put a disproportionate burden on persons belonging to low-income segments but contributes to the redistribution of income and wealth. It further recommends that the State party put into place mechanisms to ensure that funds allocated to areas relevant to Covenant rights are spent in a timely, effective and transparent manner.

Corruption

17. The Committee is concerned, despite the measures taken by the State party to combat corruption, at the prevalence and magnitude of corruption cases involving high-level officials (art. 2 (1)).
18. The Committee recommends that the State party:
- (a) Strengthen the mechanisms and procedures for combating corruption at the federal and provincial levels;
 - (b) Ensure the effective investigation of all cases of corruption and the prosecution of those responsible;
 - (c) Ensure the effective protection of victims of corruption and their lawyers, anti-corruption activists, whistle-blowers and witnesses;

- (d) **Enhance anti-corruption education and awareness-raising of public officials and the general public.**

Non-discrimination

19. The Committee is concerned that the legal provisions regarding non-discrimination within the State party, including articles 25-27 of the Constitution, only prohibit discrimination on grounds of race, religion, caste, sex, residence or place of birth in respect of access to places of public entertainment or resort and places not intended for religious purposes only, as well as in respect of appointment to positions of public service. It is also concerned at the absence of comprehensive anti-discrimination legislation (art. 2).
20. **The Committee recommends that the State party consider revising articles 25-27 of the Constitution with a view to ensuring that the Constitution prohibits discrimination on all grounds, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status. It also recommends that the State party adopt comprehensive anti-discrimination legislation prohibiting all direct, indirect and multiple forms of discrimination, on any ground, and providing for effective remedies for victims of discrimination, including through judicial and administrative proceedings. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Criminalization of same-sex relations

21. The Committee is concerned that same-sex relations between consenting adults is criminalized (art. 2).
22. **The Committee recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness and combat discrimination based on sexual orientation and gender identity.**

Persons with disabilities

23. The Committee is concerned at the narrow definition of disability in the legislation, which limits the capacity of the State party to assess the situation of persons with disabilities and to develop effective policies to address the discrimination facing them in relation to the enjoyment of Covenant rights. It is also concerned at the lack of reasonable accommodation and personal assistance services for persons with disabilities and at the limited legal provisions aimed at ensuring the accessibility of public facilities and institutions, which seriously impede the enjoyment of economic, social and cultural rights by persons with disabilities (art. 2).

24. **The Committee recommends that the State party take the steps necessary to bring the definition of disability in its legislation into line with the Convention on the Rights of Persons with Disabilities and to include in its legislation denial of reasonable accommodation as a ground of discrimination. It also recommends that the State party carry out a nationwide study on the situation of persons with disabilities, collecting data disaggregated by sex, ethnicity and other social status.**

Afghan refugees

25. The Committee commends the State party for hosting about 1.5 million Afghan refugees and 1 million Afghans seeking asylum despite the challenges of security and natural hazards facing the country. The Committee is, however, concerned at the uncertain legal status of Afghan refugees whose proof of residence cards will expire on 31 December 2017 and the absence of a registration procedure for unregistered Afghans. It is also concerned about well-documented reports of police abuse, including beatings, seizures of proof of residence cards, demands of bribery, threats of deportation and arbitrary detention, against such people (art. 2).

26. **The Committee recommends that the State party ensure that all registered Afghan refugees are allowed to stay in the country until it is safe for them to return or resettle in another country. It also recommends that the State party reopen the registration procedure to allow unregistered Afghans residing in Pakistan to obtain legal residential status. It further recommends that the State party promptly and thoroughly investigate all alleged cases of police abuse against unregistered Afghans and bring those found guilty to justice. Moreover, it recommends that the State party adopt legislative and policy frameworks to provide protection for refugees, asylum seekers and stateless persons in compliance with international norms and standards.**

Internally displaced persons

27. The Committee is concerned that millions of people have been displaced in the State party and that not enough data have been collected on internally displaced persons, nor has legislation or a comprehensive national policy on such persons been put into place. It is also concerned about the hardships faced by those living in camps for internally displaced persons, particularly those in situations of protracted displacement; the high risk of women and girls being exposed to sexual abuse, harassment and trafficking; and the slow resettlement process (arts. 2 and 11).

28. **The Committee recommends that the State party:**

- (a) **Adopt a legislative and policy framework on internally displaced persons based on reliable data;**

- (b) **Improve the living conditions of internally displaced persons living in camps and ensure their access to health-care services, education and other public services;**
- (c) **Accelerate the resettlement process;**
- (d) **Protect women and girls from sexual abuse, harassment and trafficking, investigate any such cases, bring perpetrators to justice and provide the necessary assistance to victims.**

Persons belonging to minority groups

29. The Committee is concerned that persons belonging to minorities other than religious ones cannot enjoy their rights because the minority status of their groups has not been recognized under the domestic law of the State party (arts. 2 and 15).
30. **The Committee recommends that the State party take urgent legal measures to recognize the status of minorities other than religious ones, including racial, ethnic and linguistic minorities, in order to enable persons belonging to all minorities to enjoy their relevant rights and benefit from the policies and programmes designed for the protection of minority groups.**

Members of the “scheduled castes” or Dalits

31. The Committee remains concerned at well-documented reports of the continuing de facto discrimination and segregation facing members of the “scheduled castes” or Dalits and the entrenched stigma and prejudice against them (arts. 2, 6 and 13-14).
32. **The Committee recommends that the State party carry out a study on the situation of the “scheduled castes” or Dalits, with the participation of the members of that community and of relevant experts, and that it include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report. It also recommends that the State party take effective measures to eradicate stigma and prejudice against members of the “scheduled castes” or Dalits, including awareness-raising campaigns, and to combat discrimination against them, particularly in the employment and education sectors.**

Equality between men and women

33. The Committee is concerned at the provisions discriminating against women in the legislation of the State party. The West Pakistan Muslim Personal Law (Shariat) Act, 1962, for example, which permits polygamy and provides that a daughter is entitled to receive only half as much inheritance from her parents as a son would receive, contributes to the large gender disparity in landownership. The Qanun-e-Shahadat Order (Law of Evidence), 1984, stipulates that the value of women’s court testimony is

half that of a male witness. It is also concerned that women are facing difficulties in seeking judicial remedies because law enforcement officials and judges lack awareness of women's rights, because women lack awareness of their own rights and of the judicial procedures to claim those rights, because women do not trust the justice system and because there is insufficient free legal assistance (art. 3).

34. The Committee recommends that the State party:

- (a) **Review its legislation, including the West Pakistan Muslim Personal Law (Shariat) Act, 1962, and the Qanun-e-Shahadat Order (Law of Evidence), 1984, with a view to removing all provisions that discriminate on the basis of gender;**
- (b) **Ensure that law enforcement officials and judges fully understand that women have equal rights under the Covenant;**
- (c) **Enhance free legal assistance for women;**
- (d) **Raise awareness among women about their rights, the judicial procedures and the assistance available to them.**

Representation of women in decision-making positions

35. The Committee is concerned that, despite some progress having been made in some sectors, the overall representation of women in decision-making positions remains low (art. 3).

36. **The Committee recommends that the State party intensify its efforts to increase women's representation in decision-making positions in all sectors, including by adopting temporary special measures and fully implementing them. It draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3).**

Unemployment and underemployment

37. The Committee is concerned at the high unemployment rates among women and youth. It is also concerned that over 73 per cent of workers are in the informal economy, a majority of whom are women, without labour or social protection. While noting employment quotas in the public sector for religious minorities, persons with disabilities and women, it is concerned at the very low level of quotas allocated to these groups relative to their share of the population, as well as at the absence of information on the implementation of these quotas (arts. 2-3 and 6).

38. **The Committee recommends that the State party take effective measures to facilitate the employment of women and youth, including by providing vocational training and**

education tailored to their experience and level of job skills to meet current labour market demands. It also recommends that the State party intensify its efforts to regularize the informal economy and to extend labour and social protection to workers in the informal economy. It further recommends that the State party increase the quotas for the groups mentioned above, taking into consideration their share of the total population, and fully implement the quotas.

Gender pay gap

39. The Committee is concerned at the increase in the gender pay gap, from 34 per cent in 2008 to 39 per cent in 2015, which is very high. It is also concerned at the large disparity between men and women in terms of labour market participation, employment and education (art. 3).
40. The Committee recommends that the State party intensify its efforts to reduce the gender pay gap and to make progressive improvements in this regard. It also recommends that the State party take all measures necessary to narrow the disparity between men and women in the enjoyment of economic, social and cultural rights, particularly in terms of labour market participation, employment and education.

Right to just and favourable conditions of work

41. While noting that a national labour protection framework is being developed in the State party, the Committee is concerned at the lack of comprehensive legislative or policy frameworks on labour protection (art. 7).
42. The Committee recommends that the State party ensure that the national labour protection framework currently being developed is in line with article 7 of the Covenant and other relevant international labour standards. It also recommends that the State party adopt the framework expeditiously and implement it in all provinces and territories. It draws the attention of the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Minimum wages

43. The Committee is concerned that the minimum wages of the State party do not cover all workers and that they vary among provinces. The Committee is also concerned that the minimum wages are not sufficient to provide workers and their families with a decent living and that the level of compliance with the minimum wages is low (art. 7).
44. The Committee recommends that the State party take all measures necessary to increase the number of workers who receive at least the minimum wage, to raise the minimum wages to ensure a decent living for all workers and their families and to strengthen the enforcement of minimum wages in all its provinces and territories.

Bonded labour

45. The Committee is concerned that, despite the adoption of the Bonded Labour System (Abolition) Act, 1992, the practice of bonded labour continues to exist, particularly in the brick kiln and agriculture sectors; that perpetrators of violations of the Act are rarely punished because few judges in the lower courts are aware of the Act and because of the complicity of the police; and that the lack of other means of living for workers in such situations push them back into a cycle of debt bondage (art. 7).
46. **The Committee recommends that the State party take all measures necessary to tackle the root causes of bonded labour; provide victims of bonded labour with a sustainable means of living; reinforce the enforcement of the Act by strengthening labour inspections and increasing the penalties for perpetrators and public officials complicit in violations of the Act; and enhance the understanding of judges, particularly those in the lower courts, of the Act.**

Occupational health and safety

47. The Committee is concerned at the high frequency, and the devastating scale of, occupational accidents, including the fire at a textile factory in Karachi in 2012, which killed about 300 workers. It is also concerned at the high number of cases of occupational diseases, such as silicosis among those working for stone-crushing companies in Gujranwala. Furthermore, it is concerned at the absence of the framework legislation on occupational safety and health and the extremely small number of labour inspectors (arts. 7 and 12).
48. **The Committee recommends that the State party:**
- (a) **Ensure that the draft occupational safety act is in compliance with the Covenant and other international labour norms and standards, and ensure that the act is strictly enforced once adopted;**
 - (b) **Increase the number of labour inspectors, enhance their capacities and strengthen the labour inspection system;**
 - (c) **Provide victims of occupational accidents and diseases with access to adequate compensation and remedies.**

Trade union rights

49. The Committee is concerned that the unionization rate is extremely low and that the legislation on trade unions, including the Industrial Relations Act, 2012, is very restrictive. The law does not cover all workers and grants collective bargaining rights only to unions whose membership consists of one third of all employees (art. 8).

50. The Committee recommends that the State party take all legislative and other measures necessary to provide an enabling environment for workers to freely form and participate in trade unions and exercise their union rights.

Right to social security

51. The Committee regrets the lack of comprehensive information on the social security schemes of the State party, including contributory and non-contributory, public and private schemes. It is concerned that a majority of workers, including those in the formal economy, are not covered by social security programmes. For example, the participation rate in the Employees' Old Age Benefit Institution is very low, below 10 per cent. It is also concerned that the State party has not established a social protection floor (arts. 9 and 11).
52. The Committee recommends that the State party take all measures necessary to improve its social security schemes, including the Employees' Old Age Benefit Institution, with a view to progressively covering all workers in the country and providing a sufficient level of benefits to enjoy an adequate standard of living. It also recommends that the State party establish a nationally defined social protection floor in consultation with all relevant stakeholders. It requests the State party to provide comprehensive information on the social security schemes of the State party in its next periodic report. It draws the attention of the State party to its general comment No. 19 (2007) on the right to social security and to its statement on social protection floors (E/C.12/2015/1).

Protection of the family, mothers and children

53. The Committee is concerned that the legislative framework is insufficient to provide for the protection of all women, particularly Hindu and Christian women, in relation to marriage, divorce, custody and inheritance (arts. 3 and 10).
54. The Committee recommends that the State party take urgent measures to adopt a legislative framework relating to marriage, divorce, custody and inheritance that is in line with international norms and standards, with a view to providing effective and equal legal protection for all women, particularly Hindu and Christian women, in Pakistan. It also recommends that the State party make every effort to fully enforce the legislative framework once adopted and to raise the awareness of the public, as well as of law enforcement and judicial officials, thereon.

Minimum age for marriage

55. The Committee is concerned that the minimum age for marriage for girls varies across provinces and that some provinces have set it at 16 years (arts. 3 and 10).

56. **The Committee recommends that the State party intensify its efforts to adopt legislation prohibiting the marriage of all persons, both male and female, below 18 years, in line with the Covenant and other international human rights conventions.**

Forced conversion and forced marriage

57. The Committee is concerned that the practices of forced conversion of non-Muslim women and forced marriage continue. It is particularly concerned that the proposed amendment to the Child Marriage Restraint Act, 1929, has been declared un-Islamic by the Council of Islamic Ideology and that efforts to enact a law to prevent forced conversion have been blocked by the Council (arts. 3 and 10).

58. **The Committee recommends that the State party prohibit the forced conversion of a person from his/her belief without his/her consent.**

Violence against women and domestic violence

59. The Committee is concerned that, despite many efforts made by the State party, various forms of violence against women, including so-called honour killings, acid attacks and gang rapes, continue to occur. It is also concerned at the very low level of reporting of domestic violence and other forms of violence against women and the very small number of shelters for victims of such violence (arts. 3 and 10).

60. **The Committee recommends that the State party intensify its efforts to:**

- (a) **Effectively enforce the anti-honour killings laws and all other relevant laws criminalizing violence against women and monitor their enforcement;**
- (b) **Promptly investigate cases of violence against women and punish the perpetrators with penalties commensurate with the gravity of the offences;**
- (c) **Take all necessary and effective measures to raise the awareness of the police, prosecutors, judges and journalists on the various forms of violence against women and women's rights under the Covenant and provide systematic nationwide training;**
- (d) **Ensure that women and girls are aware of their rights under the Covenant, that victims of domestic violence and other forms of violence can freely report their cases to the police and that they are treated with respect; also ensure that victims get all the necessary legal, medical, financial and psychological support, including through the establishment of sufficient numbers of counselling centres and shelters throughout the State party;**

- (e) **Promote as far as possible the presence of women police officers to deal with complaints of gender-based violence.**

Birth registration

61. The Committee is concerned at the very low level of birth registration and often delayed registration, particularly in Balochistan, which seriously limits the ability of those persons without birth certificates to enjoy their economic, social and cultural rights (art. 10).
62. **The Committee recommends that the State party take all effective measures to ensure that all children are registered at birth and step up its efforts to register those adults without a birth certificate.**

Economic exploitation of children

63. The Committee is concerned that the minimum age for labour is set at 14 years while the Constitution guarantees free compulsory education up to 16 years of age. It is also concerned that, according to official data, over 2 million children aged between 10 and 14 years are working and that 28 per cent of them are engaged in hazardous work. Moreover, most of these children are out of school. It is further concerned at the working conditions of children, most of whom work in agriculture, with brick kilns, in coal mining, in the street and in domestic settings, and at the high risk faced by these children of exposure to sexual and economic exploitation (arts. 7, 10 and 13-14).
64. **The Committee recommends that the State party:**
- (a) **Strengthen its legislation prohibiting child labour and the enforcement of such legislation, including by enhancing labour inspections of child labour;**
 - (b) **Ensure that those persons who exploit children for labour are prosecuted and punished;**
 - (c) **Adopt all appropriate measures to facilitate the recovery of working children and their access to educational opportunities and provide adequate support to their families;**
 - (d) **Undertake a national survey on the nature and extent of child labour.**

Poverty

65. While recognizing the reduction in the levels of poverty during the past 15 years, the Committee is concerned that a very high proportion of persons continue to live in poverty in the State party, especially in certain regions, for example in Sindh, in the Federally Administered Tribal Areas and in Balochistan. While welcoming the adoption

of the Benazir Income Support Programme and the gradual increase in its coverage, it remains concerned that over 1 million eligible people are still not covered, that the cut-off score used to identify beneficiaries does not reflect the poverty line but is based, rather, on the fiscal capacity of the State party and that the amount awarded is not sufficient to ensure an adequate standard of living for beneficiaries (arts. 9 and 11).

66. The Committee urges the State party to make every effort to combat poverty and improve the Benazir Income Support Programme, in particular by:

- (a) Ensuring that the Programme is rights-based, clearly informing potential beneficiaries about their right to claim benefits and to challenge any decision resulting in their exclusion from the Programme;
- (b) Covering all persons living in poverty, including by aligning the level at which people are eligible for benefits under the scheme with an objective poverty line;
- (c) Continuing to increase the number of beneficiaries and make special efforts in regions with a higher incidence of poverty;
- (d) Increase the amount of the benefits to ensure an adequate standard of living for the beneficiaries.

Land rights

67. The Committee is concerned that, despite the reform efforts of the State party, there is an increasing trend of landownership concentration, which results in a large number of landless farmers and small-scale landholders living in poverty. It also exposes landless farmers to being severely exploited through feudal tenancy arrangements, such as sharecropping, in Sindh and Balochistan (arts. 7 and 11).

68. The Committee recommends that the State party strengthen its agrarian reform programme with a view to benefiting landless farmers and small-scale landholders and that it promote their security of tenure and access to land, including by adopting the necessary normative reforms. It urges the State party to immediately take measures to address the situation of landless farmers, particularly those under the sharecropping tenancy arrangement and to prohibit tenancy arrangements of an exploitative nature.

Right to adequate food and nutrition

69. The Committee is concerned that around 58 per cent of households are food insecure and nearly 30 per cent of the population is suffering from hunger. While welcoming the adoption of an infant and young child feeding strategy, it remains concerned at the insufficient implementation of the strategy owing to a lack of funding. It is particularly

concerned about the fact that 44 per cent of children are stunted and 35 per cent of child deaths are related to malnutrition.

70. The Committee recommends that the State party take all steps necessary to address persisting acute hunger and malnutrition and, in particular, the critical nutritional needs of infants and children. It also recommends that the State party allocate sufficient resources for the full implementation of the infant and young child feeding strategy and that it adopt a legislative framework protecting the right to adequate food and nutrition and a national action plan on food security and nutrition that is in line with the Committee's general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

Right to housing

71. The Committee is concerned at the acute shortage of adequate housing and the lack of financing programmes for low-income families. It is also concerned at the high number of persons living without legal tenure in urban informal settlements (*katchi abadis*), with limited access to basic services. It is further concerned that people without secure tenure in urban areas and people living in areas where development projects such as the Orange Metroline project in Lahore are being carried out are often subject to forced evictions without due process or adequate alternative housing or compensation (art. 11).
72. The Committee recommends that the State party intensify its efforts to:
- (a) Increase security of tenure by taking normative and policy measures, by increasing the number of social housing units and improving their maintenance, and by providing affordable financing programmes for low-income families;
 - (b) Improve living conditions in *katchi abadis*, including in terms of access to health, education and other public services;
 - (c) Regularize informal settlements, introduce or upgrade their basic infrastructure and improve living conditions therein;
 - (d) Bring the legal framework on eviction, especially affecting those without tenure or with insecure tenure, in line with international standards and ensure that, in case of eviction, the affected people are consulted prior to the eviction, that procedural safeguards are observed and that adequate alternative housing is provided;

- (e) Consider the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions, as well as the basic principles and guidelines on development-based evictions and displacement.

Water and sanitation

73. While noting the progress made by the State party, the Committee remains concerned that a high number of people still have no access to safe drinking water and adequate sanitation facilities (art. 11).
74. **The Committee recommends that the State party intensify its efforts to increase access to safe drinking water and adequate sanitation facilities, including the full implementation of the National Drinking Water Policy 2009.**

Right to health

75. The Committee is concerned at the very low level of public funding allocated to the health sector, at the insufficient coverage of the National Health Insurance Programme and at the weak public health system, which has led to a heavy reliance on private health services. It is particularly concerned at the high maternal and infant mortality rates.
76. **The Committee recommends that the State party make every effort to increase public expenditure in the health sector, to further expand the coverage of the National Health Insurance Programme, to strengthen its public health system with a view to providing free quality basic health services to all, including disadvantaged and marginalized individuals, and to reduce the maternal, infant and under-5 mortality rates.**

Sexual and reproductive health

77. The Committee is concerned that abortion is criminalized in the State party except when the life of a mother is at risk, which has led to a very high incidence of unsafe clandestine abortions. This has in turn led to many women suffering from life-threatening complications that in more than 5 per cent of cases have resulted in death. It is also concerned that about half of pregnancies are not intended and that women have limited access to sexual and reproductive health services and information thereon.
78. **The Committee recommends that the State party:**
- (a) **Amend its legislation on abortion to ensure its compatibility with other fundamental rights, such as women's rights to life and physical and mental health, that it broaden the permitted circumstances for legal abortion and that it not make women undergoing abortion criminally liable;**

- (b) Ensure that women are able to easily access post-abortion health-care services;
- (c) Take effective measures to empower women to decide upon the number and spacing of births;
- (d) Improve women's and men's access to sexual and reproductive health information and services, including by making contraceptives available and accessible to all and placing emergency contraceptives on the list of essential medicines;
- (e) Consider the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.

Right to education

79. The Committee welcomes the inclusion of the right to education in the chapter of the Constitution on fundamental rights and notes the internal security challenges facing the State party, which have a significant adverse impact on children's right to education. The Committee is, however, concerned at:

- (a) The very low net enrolment rates at all levels of education, including the preschool, primary and secondary levels, with large disparities between girls and boys, children in urban and rural areas, and children from high-income and low-income families;
- (b) The high number of out-of-school children and adolescents, despite a decreasing trend in recent years;
- (c) The low level of educational outcomes;
- (d) The inadequacy of school facilities;
- (e) The poor quality of education due to the lack of qualified teachers and their absenteeism, as well as the lack of suitable learning materials such as textbooks in public schools in rural and urban slum areas;
- (f) The increase in the already very high adult illiteracy rate (from 54 per cent in 2008 to 57 per cent in 2015), particularly among women;
- (g) The absence of inclusive education for children with disabilities;
- (h) The continuing terrorist attacks on students, teachers and schools and the use of schools by the military, particularly in the Federally Administered Tribal Areas and Balochistan (arts. 13-14).

80. The Committee recommends that the State party intensify its efforts to ensure that all children enjoy, without discrimination, the right to education, which will empower children, particularly those disadvantaged and marginalized, to lift themselves out of poverty and obtain the means to participate fully in their communities and national life. It also recommends that the State party take all measures necessary to:

- (a) Increase the enrolment rates at all levels of education, particularly the primary level, paying special attention to girls, children living in rural areas and children from low-income families;
- (b) Reduce the number of out-of-school children, including through coordination with policies on child labour;
- (c) Improve educational outcomes;
- (d) Improve school facilities, particularly with respect to water, sanitation and electricity;
- (e) Securing a sufficient number of qualified teachers and improve the quality and increase the quantity of learning materials;
- (f) Increase educational programmes appropriate for and adequate to the needs of illiterate adults, paying special attention to women;
- (g) Develop a legislative and policy framework on inclusive education for children with disabilities and provide such education;
- (h) Enhance security at schools, provide an alternative teaching space in case of an attack and immediately and completely ban the use of schools by military forces. The Committee invites the State party to endorse the safe schools declaration and commit to using the guidelines for protecting schools and universities from military use in armed conflict of the Global Coalition to Protect Education from Attack;
- (i) Consider the Committee's general comment No. 13 (1999) on the right to education (art. 13).

Privatization of education

81. The Committee notes that the State party is implementing the Basic Education Community Schools programme and that, under this programme, the number of so-called "low-fee" private schools has increased drastically throughout the country through the establishment of public-private partnership initiatives. It also notes the information provided by the State party indicating that the cost-benefit ratio of

projects implemented under the Basic Education Community Schools programme is higher than that of government primary schools. The Committee, however, is concerned at:

- (a) The absence of proper assessments of the impact of the Basic Education Community Schools programme and the public-private partnership initiatives on the right to education prior to their adoption, as well as of their effectiveness in realizing the right to education since their adoption;
- (b) The lack of effective regulation by the State party, at the federal and provincial levels, of these low-fee private schools;
- (c) The reportedly poor quality of education and teachers of these schools;
- (d) The very high non-fee-related expenses of these schools, amounting to about a quarter of the household income per student, which disproportionately impedes girls' access to education;
- (e) The reinforcement of social segregation in education caused by the privatization of education, as high-income families send their children to high-quality private schools while low-income families have to send their children to underfunded public primary schools or to schools operating in the framework of the Basic Education Community Schools programme and not properly monitored by the State party (arts. 13-14).

82. The Committee reminds the State party that, before starting a privatization process, it must carry out a thorough human rights impact assessment if it is to live up to its legal obligation to progressively realize the right to education. The Committee recommends that the State party:

- (a) Carry out an assessment of the impact of public-private partnership initiatives based on a human rights perspective and the effectiveness of low-fee private schools in meeting the State party's obligations under the Covenant;**
- (b) Strengthen the regulations on these schools and ensure their strict enforcement;**
- (c) Improve the quality of education provided by these schools;**
- (d) Ensure that no child drops out of school for not being able to pay non-fee-related expenses;**
- (e) Progressively eliminate social segregation in the education system by ensuring an education of equal quality to all children in all public and private schools.**

Human rights education

83. The Committee notes the contribution that madrassas have at times made to enhance access to education, particularly for disadvantaged and marginalized children, and the efforts made by the State party to close down a number of radical madrassas and to regulate the remaining ones. The Committee is, however, concerned at repeated reports that the curricula of some madrassas do not provide any education other than that based on the Qur'an and have content that may incite hatred against religious and ethnic minorities. It is also concerned that some textbooks and curricula used in Sindh and Punjab contain stereotyped images of religious and ethnic minorities (arts. 13-14).
84. **The Committee recommends that the State party monitor school curricula and textbooks, as well as practices in schools, at all levels, including in madrassas, to ensure that they promote the full development of the human personality of students. It also recommends that the State party intensify its efforts to reform madrassas. It further recommends that the State party incorporate human rights education in school curricula with a view to strengthening respect for human rights and fundamental freedoms. Furthermore, it recommends that the State party take appropriate measures to raise awareness among the public of human rights and, in particular, to raise the awareness of religious leaders of human rights and of their role in promoting understanding, tolerance and peaceful coexistence among different ethnic and religious groups.**

Cultural rights and linguistic diversity

85. While noting that more than 80 languages are spoken in Pakistan and that some of these languages are taught at schools in addition to Urdu and English, the Committee is concerned that frequently the mother tongues of students are not allowed as a medium of instruction in schools and that about 28 languages are in danger of extinction (arts. 13-15).
86. **The Committee recommends that the State party take all measures necessary to ensure that students are taught in their mother tongue at school, particularly at the primary level, to preserve those languages at high risk of extinction and to promote linguistic diversity.**

Access to the Internet

87. The Committee is concerned at the very low level of Internet access in the country, especially in rural areas (art. 15).
88. **The Committee recommends that the State party take all measures necessary to improve access to the Internet, especially in rural areas.**

D. Other recommendations

89. The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
90. The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.
91. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.
92. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).
93. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the federal, provincial and territorial levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Human Rights Commission, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.
94. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 18 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 12, 14 and 80 (a) and (b) above.

95. The Committee requests the State party to submit its second periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 June 2022. In addition, it invites the State party to submit its common core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).



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Committee on Economic, Social and Cultural Rights

Concluding observations on the initial report of Pakistan

Addendum

Information received from Pakistan on follow-up to the concluding observations*, **

[Date received: 25 July 2019]

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* The present document is being issued without formal editing.

** The annexes to the present report are available for consultation from the Committee secretariat. They may also be accessed from the web page of the Committee.



Response to Committee's observation No. 12

1. The National Commission for Human Rights (NCHR), established under the National Commission for Human Rights Act, 2012 (Act No. XVI 2012) is an independent body which functions without any political interference and enjoys full financial autonomy to promote and protect human rights. Reference may be made to chapter IV section 16 and chapter VI sections 23 and 27 of the Act which bring the Act in compliance with the Paris Principles. The Commission also has the power to take suo-moto action on cases of human rights violations. The NCHR Complaint rules have been notified by Ministry of Human Rights and the Commission has been receiving complaints of human rights violations in addition to taking suo-moto notices.
2. NCHR is an independent statutory body empowered with powers of a civil court. Under Section 27 of NCHR Act, it is provided financial freedom to exercise financial autonomy in line with the Paris Principles. Government of Pakistan has taken various steps to facilitate effective functioning of NCHR including through allocation of 100 million for the establishment of NCHR Fund during 2015-16. The Government has empowered the Commission through increase in its annual budget allocation. In 2017-18, NCHR's budget was increased from Rs 41m to Rs 92m which amounts to an increase of 126%. The detail of financial allocations is as under:

<i>Year</i>	<i>Original Budget</i>	<i>Supp. Grant</i>	<i>Final Grant</i>	<i>Expenditure</i>	<i>Savings</i>
2015-16	5 000 000	100 088 000	105 088 000	58 832 339	46 255 661
2016-17	41 000 000	82 005 000	119 410 000	24 389 292	95 020 708
2017-18	41 000 000	64 000 000	105 000 000	104 000 000	1 000 000
2018-19	92 000 000 i.e. 126% increase compared to last year				

3. The NCHR has 171 sanctioned posts for which it is authorized to recruit suitable staff. Under NCHR Act, the Commission is required to frame its rules and procedure, such as Finance Rules, Accounting Procedure, Service & Recruitment Rules, and Hiring of Consultants Rules etc. These rules have to be made and approved by the Commission itself.

4. Regarding Committee's observation in para-11 about administrative control of NCHR with reference to letter No.6-155/2016-Admn of 9 March 2017, it is clarified that this letter is to give administrative cover/ representation to NCHR Act, 2012 at the Federal Government Level. This representation is required because under the Constitution of Pakistan, 1973, public funds allocated for NCHR, like all other public funds, are subject to necessary audit and accounting process. This however in no way compromises the autonomous functioning of the Commission. A good example of a similar constitutional arrangement is of the Supreme Court of Pakistan, is under the Ministry of Law and Justice, but is autonomous in its functions. Therefore, a distinction must be made between autonomy of mandate and functions from regulations governing public money and its expenditure.

Response to Committee's observation No. 14

5. The Government considers civil society organizations and human rights defenders as partners in its endeavour to promote human rights and fundamental freedoms. By the very nature of their work, human rights defenders face challenges.
6. National Commission for Human Rights (NCHR), as an apex Human Rights State Body, has launched Policy Guidelines for the protection of Human Rights Defenders, which were formulated after thorough consultations with all stakeholders. NCHR is playing an effective role in highlighting HRDs' issues and advocates for acknowledgement and support of their work and for ensuring them respect and protection including reported cases of harassment, disappearance and killings of human rights defenders. The contents of the guidelines are annexed. In addition:
- (a) Government has taken several measures to safeguard the journalists, who are also victims of terrorism. These include:
- Notification of a Ministerial Media Security Committee with the mandate to suggest welfare measures to ensure safety of Journalists and Media Persons;
 - Scheme (Life Insurance Policy for Media Persons) for the welfare of the journalists;
 - Installation of a Hot Line Number (111-925-225) in Press Information Department so that journalists can inform the government about any potential threat to them or security related issues;
 - Proposal for Establishment of Endowment Fund to provide relief to the wounded and disabled journalists who have fallen victims of terrorism in the line of duty;
 - Draft Journalist Welfare and Protection Bill is in the pipeline;

- Ministry of Information has constituted a media security committee to provide protection and safety to the media persons nationwide. This Committee is working in close cooperation with the provinces for security of media personnel;

(b) Persons accused of enforced disappearances are tried and punished under criminal law of the land. The Commission of Inquiry on Enforced Disappearances, established under the Pakistan Commission of Inquiry Act 1956 in March 2011, has been further strengthened by increasing the number of members and proceedings conducted at different stations for convenience of the complainants.

Response to Committee's observation No. 80 (a) and (b)

7. After the 18th constitutional amendment, education and almost all the functions related to education were devolved to provincial governments.
8. The Government is reviewing the National Education Policy 2009 which will address the following:
 - (i) To enrol 25 million out of school children in the educational institutes;
 - (ii) To make uniform education system all over the country;
 - (iii) To ensure quality of Education.
9. In addition, Benazir Income Support Programme (BISP) has launched an initiative which encourages BISP beneficiary families having children in the age group of 4 to 12 years, to send their out of school children to schools for Primary Education (and in school children to continue their education). The initiative aimed to enrol approximately 2.0 million children in primary school by December, 2018. The Programme involves a cash transfer of Rs. 250 per child paid quarterly (Rs. 750 per child) for all children of each beneficiary family in the age bracket of 4–12 years in return for their compliance with the co-responsibilities of school admissions and a minimum of 70 percent quarterly attendance. Field operations of the programme were started in October, 2012. As of December, 2017, 1.895 million children have been enrolled and a total of about Rs. 5.81 billion has been disbursed as stipend under the Conditional Cash Transfer.
10. In the Federal capital Islamabad, the Government's efforts at increasing enrolment, reducing out of school children have led to:
 - (i) Fee/Funds to be collected from students have been abolished since November, 2010 in all educational institutions;

- (ii) School Management Committees (SMCs) have been established for community participation and are currently functional;
 - (iii) Admission Policy of Federal directorate of Education (FDE) has been reviewed and amended as per provision of the Act to facilitate the Out of School Children;
 - (iv) The admission procedure has been simplified as well as documentary requirements have been relaxed;
 - (v) Age limit for admission to Class-I has been extended from 5 years to 7 years.
11. In addition, under PM Education Reform Program, financial support has been provided to educational institutions of Islamabad Capital Territory (ICT) to commence:
- (i) Montessori classes in 71 schools;
 - (ii) Infrastructure development, as of 2018, the pilot phase in 22 schools has been completed. Development in 200 educational institutions is under way. The remaining 200 educational institutions shall be upgraded in the next phase;
 - (iii) Continuous Professional Development Program has been initiated for capacity building of teachers on regular basis wherein 3200 teachers & 844 Principals/Vice Principals have been trained in 2016–17. It has become a regular feature of Annual training program of FDE;
 - (iv) To ensure Easy Access, 200 buses have been provided to educational institutions for free transportation facility as outlined in the Act.
12. The Federal Public Sector Development Programme Financial Year 2018 has allocated an amount of Rs 2.96 billion for 10 on-going and 3 new projects of the Ministry of Federal Education & Professional Training. An amount of Rs 3.18 billion has also been provided for 13 on-going & new education related projects to Finance and Capital Administration & Development Divisions.
13. Moreover, provincial governments have also developed road maps¹ to deliver the commitment of free and compulsory education for all children aged five to sixteen years as specified in Article 25A of the Constitution. The aim of all the provincial education sector plans is to achieve the national target of free and compulsory education and have a 90 per cent literacy rate by the year 2025.

¹ Khyber Pakhtunkhwa Education Sector Plan, 2016–2020; Punjab School Education Sector Plan, 2013–2017; Sindh Education Sector Plan, 2014–2018 and Balochistan Education Sector Plan, 2013–2018.

14. Given that Education has been devolved as a provincial object, the four provinces of Pakistan have made commendable progress in the provision of facilities, up-gradation of all schools with special attention to girls, construction of new schools and colleges, provision of scholarships, stipends especially provision of stipend to the girls, as well as reducing out of school children consistent with our policies on eliminating child labour in Pakistan. The provinces are also focused on enhancing the use of information technology, providing early children education as well as strengthening and increasing budgetary allocation for education. Given the paucity of space, we have annexed province wise details and progress in the annexes.
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Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fifth periodic report of Pakistan*

I. Introduction

1. The Committee considered the fifth periodic report of Pakistan (CRC/C/PAK/5) at its 2118th and 2119th meetings (see CRC/C/SR.2118 and 2119), held on 25 and 26 May 2016, and adopted the following concluding observations at its 2132nd meeting (see CRC/C/SR.2132), held on 3 June 2016.
2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/PAK/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, as well as the adoption of a number of new legislative acts and institutional and policy measures related to children's rights since its last review.

* Adopted by the Committee at its seventy-second session (17 May-3 June 2016).



III. Factors and difficulties impeding the implementation of the Convention

4. The Committee remains aware of the difficulties facing the State party, namely catastrophic drought conditions and natural disasters threatening the right to survival and development of the child, as well as the law enforcement operations and terrorist activities in certain regions that have displaced a large number of people. All of these problems seriously impede progress towards the full realization of children's rights, as enshrined in the Convention.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

5. The Committee recommends that the State party take all the measures necessary to address the recommendations made in its concluding observations of 2009 (CRC/C/PAK/CO/3-4), that have not been implemented or sufficiently implemented, including those related to a comprehensive policy and strategy, data collection, independent monitoring, the dissemination of the Convention, training and respect for the views of the child, which will not be repeated further on in the document.

Legislation

6. While reiterating the positive legislative developments, in particular in the areas of child labour and education, the Committee is concerned about the significant delays in the adoption of a number of bills in the area of children's rights, which are crucial for the implementation of the State party's obligations under the Convention. The Committee is also concerned that, despite the Committee's previous recommendations, the State party has not taken sufficient steps to harmonize its legislative framework with the Convention. The situation has been further exacerbated by adoption of the Eighteenth Amendment to the Constitution in 2010, as some federal laws on children's rights have not been retained by the provincial governments.
7. The Committee recommends that the State party promptly adopt pending bills in the area of children's rights and ensure that they are in conformity with the Convention. It also recommends that the State party take measures to harmonize its legislation and regulations with the principles and provisions of the Convention in all areas affecting children, at the federal, provincial and territorial levels.

8. The Committee remains concerned about the implementation of sharia law under the Sharia Nizam-e-Adl Regulation of 2009, which is not in line with the Convention, in large areas of Khyber Pakhtunkwa. It is also concerned that the Frontier Crimes Regulation of 1901 and the 2011 amendments thereto (for the Federally Administered Tribal Areas) and the Zina and Hadood Ordinances, which are in conflict with the principles and provisions of the Convention, remain in force.
9. **The Committee reiterates its recommendation that the State party carefully scrutinize existing legislative and other measures, at the federal, provincial and territorial levels, with a view to ensuring their compatibility with the Convention. It reminds the State party of its obligation to ensure that domestic laws, whether federal, provincial or territorial, are in conformity with the Convention, so that the principles and provisions of the Convention are recognized and enjoyed by children throughout the territory at the national, provincial and territorial and local level, including in the tribal areas.**

Coordination and devolution of powers

10. The Committee notes the State party's information that the National Commission for Child Welfare and Development and its provincial offices remain the coordinating bodies of policies and activities in the area of children's rights. However, it is concerned that coordination among federal, provincial and territorial entities is weak and inadequately resourced. The Committee is also concerned that, since the introduction in 2010 of amendments to the Constitution that devolved most powers to the provinces, the standards and services in different provinces and territories, including those relating to the protection of children, vary greatly and that coordination has reportedly become even more difficult.
11. **The Committee reminds the State party that despite the devolution of powers to provinces and the different administrative arrangements of its territories, the State party remains responsible for the implementation of children's rights under the Convention throughout its territory. Therefore, it should establish adequate coordination mechanisms, with a sufficient level of authority and the human, technical and financial resources necessary to carry out its work, including coordination tasks, effectively.**

Allocation of resources

12. The Committee notes that the State party's social welfare expenditure has increased in recent years. However, it is concerned that despite the commitments made as part of its previous dialogue with the Committee, the State party's budget allocations for the health and education sectors remain extremely low. It is also concerned that there are

no systematic budget tracking mechanisms that take into account a child rights perspective and that the budget allocated for children is not spent appropriately.

13. **The Committee refers to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child and reiterates its previous recommendation that the State party effectively increase budgetary allocations for children, particularly for groups of children who require social affirmative actions, such as girls, refugee and internally displaced children, children from religious and ethnic minorities, children without parental care, children with disabilities and children in street situations, in order to alleviate disparities and ensure the equal enjoyment of all rights enshrined in the Convention throughout the country. The Committee encourages the State party to start budget tracking from a children's rights perspective, with a view to monitoring budget allocations for children.**

Cooperation with civil society

14. While noting the State party's rules and procedures to facilitate the registration of non-governmental organizations and its ongoing cooperation with civil society, the Committee is concerned that such cooperation is limited and that restrictions are reportedly imposed on certain non-governmental organizations. It is also concerned about the insufficient financial support provided to non-governmental organizations.
15. **The Committee recommends that the State party establish a clear mechanism and procedures at the national, provincial and territorial and district levels to strengthen cooperation with, and provide financial support to, civil society organizations.**

B. Definition of the child (art. 1)

16. While it welcomes the 2013 amendments to the Sindh Child Marriage Restraint Act to increase the marriage age for both boys and girls to 18 years, the Committee remains concerned about the disparity between the minimum legal age for marriage for boys (18 years) and that for girls (16 years) in all other provinces, and that the Zina and Hadood Ordinances (1979) provide a definition of a "girl child" that only covers girls up to the age of 16 years or puberty. It is also concerned about legal inconsistencies concerning the definition of a child at the federal, provincial and territorial levels, and disparities in that regard between secular and sharia law.
17. **The Committee reiterates its previous recommendation that the State party ensure the full harmonization of its legislation as regards the definition of the child so as to define a child as any human being below the age of 18 years. In particular, it recommends amending the Zina and Hadood Ordinances (1979) and the Child Marriages Restraint**

Acts in all its provinces, in order to align the age of marriage for boys and girls by raising the minimum age of marriage for girls to 18 years.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

18. The Committee remains extremely concerned about:

- (a) Serious discrimination against girls in the State party and the persistent gender disparity in infant mortality rates and school enrolment rates, the persistence of early marriages and exchanges of girls for debt settlement, as well as domestic violence targeting girls;
- (b) The status of girls under sharia law, whereby, for example, girls are entitled to only half of the inheritance provided to boys;
- (c) Widespread discrimination against children belonging to religious and ethnic minorities, children with disabilities, children born out of wedlock, children living in poverty, children from Dalit communities, children living in rural or remote areas and lesbian, gay, bisexual and transgender children.

19. The Committee urges the State party to take concrete measures to address and reduce the serious gender disparities and discrimination against girls prevailing throughout the State party. In particular, the Committee recommends that the State party take effective measures to review its legislation and practices in order to eliminate any gender disparities in entitlements through the implementation of comprehensive public education and awareness-raising programmes to combat and prevent discrimination against girls, aimed at local authorities, religious leaders, judges and prosecutors, and to inform children, especially girls, about their rights under the Convention. Furthermore, the Committee reiterates its previous recommendation that the State party take all appropriate measures, such as comprehensive public education programmes, to combat and prevent discrimination and negative societal attitudes and mobilize political, religious and community leaders to support efforts to eradicate traditional practices and attitudes that discriminate against children belonging to religious or other minority groups, children with disabilities, children living in poverty, children from Dalit communities, children living in rural or remote areas and lesbian, gay, bisexual and transgender children.

Best interests of the child

20. The Committee notes that the principle of the best interests of the child is enshrined in some of the State party's legislation. However, it is concerned that the implementation

of legislation is not always in line with this principle, and, in particular, that the best interests of the child are often disregarded in the justice system.

21. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, and in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority on determining the best interests of the child in all areas and for giving it due weight as a primary consideration.

Right to life, survival and development

22. The Committee is gravely concerned about the large numbers of children killed as a result of counter-terrorism activities and acts of terrorism and violence, such as the killing of 142 children in an attack on a school in Peshawar in 2014, as well as the deaths of children as a result of drought, including in Tharparkar, malnutrition or lack of maternal and neonatal care. The Committee also expresses serious concern about the reports that the number of infanticides targeting girls is increasing and that such crimes are rarely prosecuted.

23. The Committee urges the State party to take immediate measures to:

- (a) Prevent the killing of children as a result of counter-terrorism activities and acts of terrorism and violence, and improve the protection provided to schools and other areas with a high concentration of children;
- (b) Prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children, such as those living in poverty, including Dalit children;
- (c) Ensure that, in cases of drought, children are provided with immediate access to aid, including sufficient food and water, and closely monitor the delivery of such aid in order to avoid possible misappropriations;
- (d) Provide easy access to quality maternal and neonatal care, especially in remote rural areas;
- (e) Investigate, prosecute and punish perpetrators of infanticide, and those who have instigated such crimes, with sanctions commensurate with the gravity of the crime and raise public awareness of the need to report such crimes to the police.

Children sentenced to death

24. The Committee is seriously alarmed by reports of the execution of several individuals for offences committed while they were under the age of 18 years, or where the age of the individual was contested following the lifting of the moratorium on the death penalty in December 2014, despite numerous calls from the international community and the United Nations in this regard. It is also seriously concerned that a large number of persons are currently on death row for crimes committed while they were under the age of 18 years and that these persons have limited access to procedures for challenging their sentence on the basis of their age. The Committee highlights the cases of Abdu-ur-Rehman, of Moinuddin and of Muhammad Anwar, among others, who are awaiting imminent execution for crimes committed while they were under the age of 18 years.
25. **The Committee urges the State party to take, as a matter of highest priority, measures to:**
- (a) **Order a stay on all executions involving minors and launch a review of all cases where the death penalty was handed down to children or individuals who had committed a crime while under the age of 18 years and where there is, or was, any indication that they were juveniles, with a particular emphasis on how the age of the accused was determined and, where necessary, to reopen inquiries in relation thereto, with a view to either releasing the prisoner or commuting his or her sentence to a prison term. This should also apply to cases where the crime was committed before the entry into force of the Juvenile Justice System Ordinance of 2000;**
 - (b) **Establish effective age determination mechanisms in order to ensure that in cases where there is no proof of age, the child is entitled to a proper investigation to establish his or her age and, in the case of conflicting or inconclusive evidence, has the right to the rule of the benefit of the doubt;**
 - (c) **Ensure that all stages of cases involving children, even those concerning terrorism-related crimes or violations of sharia law, including arrest, detention (whether pretrial or post-trial) and trial, are overseen by juvenile courts, in compliance with the Convention and all applicable international standards;**
 - (d) **Provide data on the number of children, and the number of persons alleged to have committed a crime while under the age of 18 years, on death row.**

Killings in the name of so-called honour

26. The Committee is seriously concerned that, despite the adoption of the Criminal Law (Amendment) Act 2004, the practice of killing in the name of so-called honour is reportedly on the rise due to societal acceptance and the attitude of law enforcement

agencies, which are either unaware of the law or knowingly ignore it. In addition, the Committee is concerned about the possibility of applying *qisas* and *diyat* under sharia law for such killings, under the provisions of which the perpetrator can be set free.

- 27. The Committee urges the State party to apply a zero tolerance policy towards gender-based crimes committed in the name of so-called honour and ensure the prompt and effective investigation into all cases. In particular, the State party should:**
- (a) **Ensure that perpetrators of gender-based violence and crimes committed in the name of so-called honour are prosecuted under the relevant provisions of the Penal Code, are not subjected to sharia law settlements and receive sanctions commensurate with the gravity of the crime;**
 - (b) **Undertake awareness-raising efforts targeting the general public, the media, religious and community leaders, law enforcement officials and judicial authorities, in order to eliminate all misogynistic attitudes relating to so-called honour;**
 - (c) **Ensure that effective protection, including shelter and other protection measures, is provided to women and children victims of crimes committed in the name of so-called honour, and to those at risk of falling victim to such crimes.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

- 28. The Committee welcomes the birth registration units and the optional chip-based card system introduced by the State party to encourage birth registration in all provinces. Nevertheless, it remains concerned that only around 30 per cent of children are registered at birth, with the lowest registration rates in Balochistan and the Federally Administered Tribal Areas. The Committee is particularly concerned about the low level of public awareness, the complicated procedures and high fees for birth registration and the lack of effective measures to ensure the birth registration of children belonging to marginalized and disadvantaged groups, including children born out of wedlock and refugee and internally displaced children.**
- 29. Taking note of target 16.1 of the Sustainable Development Goals on providing a legal identity for all, including through birth registration, the Committee strongly urges the State party to:**
- (a) **Promote the timely registration of births, especially among marginalized and disadvantaged communities, and educate the public at large about the consequences of non-registration;**

- (b) Remove all fees and simplify the procedures related to birth registration throughout the country, including through the introduction of mobile registration units;
- (c) Undertake a survey to identify children lacking birth registration or identity documents and take immediate administrative and judicial measures to ensure retroactive birth registration and the issuance of documents for those children;
- (d) Ensure that children lacking identity documents are not refused access to education, health and public services.

Freedom of religion

30. The Committee is seriously concerned about the limited freedom of religion in the State party, the sectarian violence targeting children from religious minorities, such as Shia Muslims, Hindus, Christians and Ahmadis, and forced conversions. It is particularly concerned about the blasphemy laws that incur heavy penalties, including the death penalty, for “tainting” the Koran and insulting the Prophet Mohammed, and which are vaguely defined and frequently misused. Furthermore, the Committee is concerned at reports that religious intolerance is taught in schools, that non-Muslim students are forced to complete Islamic studies, and that some school textbooks include derogatory statements about religious minorities.

31. The Committee urges the State party to:

- (a) Protect the freedom of religion of all children, including Shia Muslim, Hindu, Christian and Ahmadi children, and ensure that children are able to choose their religion, or not to profess any religion at all, including in schools;
- (b) Review and repeal its blasphemy laws to avoid their misuse or misinterpretation and ensure that children under the age of 18 years are exempt from criminal responsibility for such crimes;
- (c) Remove all derogatory statements about religious minorities from school textbooks and promote the teaching of tolerance, non-discrimination and human rights.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

32. The Committee deplores the reports of systematic and widespread torture and ill-treatment of children in police stations and prisons in the country, including reports of torture of children by the Faisalabad district police. The Committee is seriously

concerned that sharia law allows children to be subjected to punishment for *haddood* offences that include amputation, whipping, stoning and other forms of cruel and degrading punishment.

33. With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and target 16.2 of the Sustainable Development Goals, the Committee urges the State party to launch without delay an independent inquiry into all alleged cases of torture and ill-treatment of children, in particular those committed by law enforcement officers, including the Faisalabad district police, and to ensure that those involved in carrying out, ordering, condoning or facilitating these practices are brought to justice and punished using penalties commensurate with the gravity of their crime. The Committee further recommends that the State party review its laws and practices and exempt all children below the age of 18 years from punishment for *haddood* offences, in particular penalties such as amputation, whipping, stoning or other forms of torture and cruel and degrading punishment.

Corporal punishment

34. The Committee notes the efforts of the State party to eradicate corporal punishment in schools by implementing directives and establishing hotlines. However, it is concerned about the widespread use of such punishment in all settings.
35. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to eradicate and prohibit all forms of corporal punishment. It also recommends that the State party implement awareness-raising campaigns on the harmful impact of corporal punishment, with a view to changing the prevailing attitude towards this practice and in order to promote positive, non-violent and participatory forms of child-rearing and discipline.

Sexual exploitation and abuse

36. The Committee is seriously concerned about:
- (a) The large number of children falling victim to sexual abuse, exploitation, rape and abduction, including by the Taliban, in particular in the province of Khyber Pakhtunkwa, parts of the Punjab and in the Federally Administered Tribal Areas;
 - (b) Reports of children being sexually exploited for the purpose of child prostitution and child pornography;

- (c) The lack of effective measures taken by the Government to prevent child sexual abuse and exploitation, prosecute perpetrators and provide justice to the victims, who are often stigmatized by society.

37. The Committee urges the State party to take, as a matter of highest priority, measures throughout its territory to:

- (a) Adopt appropriate laws that clearly and explicitly define and prohibit child sexual abuse and exploitation;
- (b) Initiate a prompt, effective, accessible and child-friendly system for the mandatory reporting of cases of child sexual abuse and exploitation in the home, in schools, in institutions or in other settings, to investigate all reports and allegations of child sexual abuse and exploitation and to punish perpetrators by handing down sentences that are commensurate with the gravity of the crime;
- (c) Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse;
- (d) Develop programmes and policies focusing on prevention and the recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the world congresses against the commercial sexual exploitation of children.

Harmful practices

38. The Committee welcomes the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011, which lays down stricter punishments for traditional practices such as *vanni*, *swara* or *budla-i-sulha*, and the Khyber Pakhtunkhwa Elimination of the Custom of Ghag Act 2013, which criminalizes the practice of forced marriages in Khyber Pakhtunkhwa province. However, the Committee is concerned about the generally low level of public awareness of such laws, in particular among families and children, and the persistent practice of child marriage throughout the country. The Committee is particularly concerned that, although illegal, informal judicial systems (local *jirga*) continue to operate and take decisions about children's lives in violation of their rights. Furthermore, the Committee remains concerned about other inhuman customs and rituals threatening the lives and security of girls, such as burnings, acid attacks, mutilations, stripping and sexual harassment.

39. The Committee urges the State party to immediately:

- (a) Enforce legislation to prohibit child marriage throughout the country and investigate and prosecute persons, including members of local councils (*jirga*),

who endorse harmful practices in violation of the State party's laws and its international obligations;

- (b) Develop awareness-raising campaigns and programmes on the harmful impact of child marriage on the physical and mental health and well-being of girls, targeting families, local authorities, religious and community leaders, judges and prosecutors and inform children, especially girls, about their rights under the Convention, including the right not to be subjected to forced marriage;
- (c) In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), take active measures to put an end to harmful practices against children, such as burnings, acid attacks, mutilations, stripping and sexual harassment and bring perpetrators to justice.

Freedom from all forms of violence

40. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), taking into account its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party prioritize the elimination of all forms of violence against children. In particular, it recommends that the State party:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordination framework to address all forms of violence against children;
- (c) Pay particular attention to and address the gender dimension of violence;
- (d) Cooperate with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations institutions.

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

41. The Committee is concerned about the insufficiency of the assistance provided to families with children living in poverty and the absence of psychosocial support and guidance for families in need, which lead to the abandonment and institutionalization of children. The Committee is also concerned about the persistent practice of polygamy in the country, which, although permitted by law, has a negative impact on children.
42. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty – or conditions directly and uniquely attributable to such poverty – should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:**
- (a) **Strengthen its efforts to provide financial assistance to families living in poverty and psychological and social support and guidance to help them fulfil their parental responsibilities, in order to prevent the abandonment and institutionalization of children;**
 - (b) **Review the Muslim Family Laws Ordinance of 1961 to ensure that all provisions that have a negative impact on children, particularly those which authorize polygamy, be repealed.**

Children deprived of a family environment

43. The Committee notes the establishment of national and provincial child protection centres, national rehabilitation centres for child labourers and the Pakistan Sweet Homes project, which aim to provide children with alternative care, but regrets that the State party does not provide foster care for children deprived of a family environment. It is concerned that many children without parental care reside in private orphanages, institutions, including religious institutions (madrassas), and shelters that are sometimes registered with the national or provincial governments, but are not provided with any benchmarks for quality of care or monitored by the State party. Furthermore, the Committee is concerned that such institutions lack appropriate medical, psychological and educational facilities, and have no complaint mechanisms to ensure that children's rights are not violated.

44. The Committee reiterates its previous recommendation that the State party:

- (a) Strengthen its promotion of and support for family-type and community-based alternative care for children deprived of parental care, in order to reduce reliance on institutional care;
- (b) Establish a clear regulation on alternative care for children, including provisions for quality care standards, a periodic review of placements and the right of the child to be heard at all stages of the procedure;
- (c) Provide training for staff in care settings, provide children with accessible channels for reporting ill-treatment, including through complaints mechanisms, and implement measures to monitor and remedy the ill-treatment of children;
- (d) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, as well as medical, psychological and educational services, in order to facilitate to the greatest extent possible the rehabilitation and social reintegration of children resident therein.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

45. The Committee is seriously concerned about reports of the frequent abandonment of children with disabilities due to their widespread stigmatization by society. While noting the State party's intention to provide inclusive education, it is concerned that large numbers of children with disabilities living in the State party have no access to education. It is also concerned that special education centres, attended by a small proportion (reportedly 0.04 per cent) of children with slight disabilities, do not meet the needs of those children and are totally absent in rural areas. The Committee is further concerned that the accessibility of schools, hospitals and the recreational infrastructure is limited for children with disabilities.

46. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:

- (a) Prevent and protect children with disabilities from abandonment by providing appropriate assistance and guidance to families with children with disabilities and implement awareness-raising campaigns aimed at government officials, the general public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of such children;

- (b) Encourage and ensure that all children with disabilities have access to inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;
- (c) Improve the infrastructure and facilities of schools, health-care centres and public buildings in order to provide barrier-free access to children with disabilities throughout the country;
- (d) Organize the collection of data on children with disabilities and establish an efficient system for diagnosing disability, in order to put in place appropriate policies and programmes for children with disabilities.

Health and health services

47. While noting some improvement in the State party's budget allocations for health care and the "lady health worker" programme, the Committee is concerned that State health-care services are insufficient and inadequate, especially in rural areas, where they are primarily provided by the private sector. In addition, the Committee is concerned about:

- (a) The slow progress being made in reducing the child mortality rate and the increase in the rate of neonatal mortality;
- (b) The increasing rate of polio infection, especially in the Federally Administered Tribal Areas, due to the ban on vaccination imposed by the Taliban and the killings of personnel providing vaccines for children, as well as large-scale and frequent outbreaks of measles;
- (c) Inadequate health facilities and services, especially for internally displaced children from North Waziristan Agency in the Federally Administered Tribal Areas, almost half of whom are reported to have serious health conditions;
- (d) A lack of access to safe drinking water and sanitation, and the problem of malnutrition, which reportedly leads to 35 per cent of deaths in children under 5 years of age and is attributed to, among other things, to the mismanagement of food aid for children in need.

48. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of targets 3.2 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Increase budget allocations for health and expand the provision of quality health-care services, especially in rural areas;
- (b) Take all necessary measures to significantly reduce the mortality rate among children under 5 years of age, to at least as low as 25 deaths per 1,000 live births,

and neonatal mortality, to at least as low as 12 deaths per 1,000 live births, by 2030;

- (c) Provide all children from birth to 5 years of age with a package of health services, which includes immunization against diseases such as polio and measles, throughout the country, especially in the Federally Administered Tribal Areas, and raise awareness in communities about the importance of vaccinations;
- (d) Ensure that children throughout the country have access to adequate health facilities and quality medical services provided by trained medical professionals, paying particular attention to the children of internally displaced persons;
- (e) Provide, as a matter of highest priority, access to water and sanitation and develop nutrition programmes to reduce problems such as stunted growth or other forms of malnutrition and implement an essential nutrition package in all health facilities, in particular targeting children affected by severe malnutrition;
- (f) Seek financial and technical assistance from bodies such as the United Nations Children's Fund (UNICEF) and the World Health Organization, among others, in this regard.

Mental health

49. The Committee is concerned about reports of suicide and attempted suicide among children and the lack of information concerning investigations into the reasons behind such suicides. The Committee is also concerned about the low number of mental health professionals in general, and the acute shortage of child psychiatrists (estimates suggest that there is 1 child psychiatrist for every 4 million children) and psychologists in particular. It is also concerned that the State party has not provided data on the overall situation with regard to children's mental health.

50. The Committee recommends that the State party take urgent action to prevent suicide among children, including by increasing the provision of psychological counselling services and the number of social workers in schools and communities, and to ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental health problems. The Committee also recommends that the State party collect data and adopt a comprehensive national child mental health policy, ensuring that mental health promotion, counselling, prevention of mental health disorders in primary health care, schools and communities and child-friendly mental health services are integral features of the policy.

Adolescent health

51. The Committee welcomes the establishment of mobile service units, which provide family planning and reproductive health services. However, it is concerned that the State party has not provided more details on the types, scope and coverage of such services, and that no information has been provided on the budget allocated for this purpose. In particular, the Committee is concerned about the low level of awareness of sexual and reproductive rights among young persons and the reported lack of access to sexual and reproductive health-care services for girls, especially in rural areas, due to social constraints. The Committee is also concerned about reports of large numbers of teenage pregnancies terminated using unsafe and clandestine abortion procedures and lack of access to legal abortion, especially for unmarried girls.
52. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party:**
- (a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and is aimed at adolescent girls and boys, paying special attention to preventing early pregnancy and sexually transmitted infections;**
 - (b) **Review its legislation with a view to ensuring that children, including unmarried girls, have access to contraception, safe abortion and post-abortion care services, and that the views of girls should always be heard and respected in abortion-related decisions;**
 - (c) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and to combat discrimination against them.**

HIV/AIDS

53. While noting the national AIDS control programme, the Committee is concerned about the low level of awareness of HIV/AIDS, especially among adolescents. It regrets the lack of information and dearth of studies carried out to understand the risks and dynamics of the disease among children, especially vulnerable groups of children, such as those in street situations, working children, children who use drugs and those involved in prostitution. Furthermore, it is concerned that pregnant women with HIV/AIDS are not aware of their status and are not provided with anti-retroviral drugs to prevent mother-to-child transmission of the virus.
54. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party take measures to raise**

awareness among the general population, and in particular children, about HIV/AIDS and carry out a study of the risks and dynamics among children, especially among children in marginalized and disadvantaged situations. It also recommends that the State party put in place measures to prevent mother-to-child transmission of HIV/AIDS and provide anti-retroviral drugs to affected pregnant women. To this effect, the Committee recommends that the State party seek technical assistance from the Joint United Nations Programme on HIV/AIDS (UNAIDS).

Drug and substance abuse

55. The Committee notes the adoption of the 2010-2014 drug abuse control master plan, but regrets the lack of information on the measures taken to address the issue of drug abuse among children in general, and more specifically among those in vulnerable situations and those at risk. It also regrets the shortage of information on the treatment of drug-addicted children and the lack of standard ethical protocols for both State-run and private drug rehabilitation centres, where people are often subjected to inhuman and unethical treatment practices.

56. **The Committee recommends that the State party take appropriate measures to address the issue of drug abuse among children including by, providing children and adolescents with accurate and objective information and life skills education on preventing substance abuse – including tobacco and alcohol abuse – and by developing accessible and youth-friendly drug-dependence treatment and harm reduction services. It also recommends that the State party adopt standards applicable to rehabilitation centres, especially concerning the treatment of persons below the age of 18 years.**

Environmental health

57. The Committee is seriously concerned about the negative effects of polluted air, water and soil on children's health and the insufficient measures taken to address that challenge.

58. **The Committee recommends that the State party conduct an assessment of the effects of polluted air, water and soil on children's health, as a basis for designing a well-resourced strategy to remedy the situation, and regulate the maximum concentrations of air and water pollutants.**

Standard of living

59. The Committee is concerned that relative and extreme poverty levels in the country remain high, particularly among children, and that the State party's efforts to help families in need through projects such as the Benazir Income Support Programme, the

Child Support Programme and the Zakat Programme are still insufficient and do not extend to the poorest in society.

60. The Committee draws the State party's attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party strengthen its efforts to provide sufficient and adequate assistance to families with children living in poverty, in particular to those in marginalized and disadvantaged situations.

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

61. The Committee welcomes the Millennium Development Goal Acceleration Programme of 2013, which focuses on out of school children and the school infrastructure. However, it is concerned about:

- (a) The lack of a compulsory education law in Khyber Pakhtunkhwa and Gilgit-Baltistan, and poor enforcement of education laws in provinces where they do exist;
- (b) The large number of children (47.3 per cent of all children aged 5 to 16 years) not in formal education, of which the majority have never attended any school;
- (c) The high dropout rate for girls, which reportedly is as high as 50 per cent in Balochistan and Khyber Pakhtunkhwa and 77 per cent in the Federally Administered Tribal Areas;
- (d) Persistent, large-scale gender, regional and urban-rural disparities in the enrolment of children in schools;
- (e) The poor school infrastructure of schools damaged by natural disasters or armed groups and the lack of basic necessities, such as drinking water, toilets, electricity and walls;
- (f) The poor quality of education due to a shortage of qualified teachers and teacher absenteeism, among other reasons, as well as curricula content and teaching methods that promote gender-based and religious discrimination;
- (g) Large numbers of attacks on schools, especially secular and girls' schools, during the reporting period, including the targeted killing of teachers and the use of school buildings by armed groups;

- (h) The privatization of education, with a lack of measures to ensure the compliance of private schools with minimum educational standards, curriculum requirements and qualifications for teachers;
- (i) Limited and inadequate preschool education.

62. In the light of its general comment No. 1 (2001) on the aims of education and taking note of Sustainable Development Goal 4, the Committee recommends that the State party:

- (a) **Ensure universal, free and compulsory primary education for all children in the country by adopting relevant laws and policies at the national, provincial and territorial levels;**
- (b) **Prevent children from dropping out of school, including by facilitating access to schools and providing financial support to children from disadvantaged families, and emphasize the importance of education for girls by overcoming deeply rooted attitudes favouring boys and their well-being;**
- (c) **Raise awareness and encourage communities and parents in particular to enrol children, especially girls and children living in underrepresented provinces and rural areas, in school;**
- (d) **Prioritize the construction and reconstruction of school infrastructure, especially in schools affected by natural disasters or conflict, and allocate sufficient resources to provide basic necessities, including drinking water, toilets and heating;**
- (e) **Improve the quality of education and provide quality training and incentives for teachers, with a particular emphasis on rural areas, and ensure that curricula and teaching methods are monitored, in order to prevent unlawful teaching content or behaviour;**
- (f) **Take measures to protect schools, in particular secular and girls' schools, and prevent possible attacks, including those targeted at teachers, and the occupation of schools by armed groups;**
- (g) **Prevent the privatization of schools and establish mechanisms to monitor the compliance of private schools with minimum educational standards, curriculum requirements and qualifications for teachers;**

- (h) **Allocate sufficient financial resources for the development and expansion of early childhood care and education, on the basis of a comprehensive and holistic policy covering early childhood care and development.**

Madrasas

63. The Committee notes the increase in the number of madrasas registered during the reporting period following the 2011 agreement between the Ministry of the Interior and a coalition of major madrasas. However, the Committee is gravely concerned that, under the agreement, madrasas have been given total autonomy in designing the religious curriculum without the State's oversight and that children are reportedly being exploited, including for commercial purposes, by madrasa administrations. Furthermore, the Committee is concerned that private madrasas are often used for child recruitment and military training by non-State armed groups.
64. **The Committee urges the State party to monitor registered and unregistered private madrasas, using adequate mechanisms, in order to prevent any possibility of abuse and exploitation. In particular, it urges the State party to ensure that the curricula of madrasas follow the overall State curriculum and do not teach religious or sectarian intolerance, are designed in the spirit of human rights and include subjects on children's rights and international human rights instruments to which the State is a party. It also urges the State party to monitor non-State armed Groups and prohibit them from accessing educational facilities and to protect children from being exposed to recruitment and given military training by armed groups.**

- I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)**

Asylum-seeking, refugee and stateless children

65. Although the Committee appreciates that the State party continues to host a large number of refugees, especially from Afghanistan, it regrets the lack of a legal framework for refugees and stateless persons. It also remains concerned that refugee children are often unregistered (especially those whose parents do not hold proof of registration cards), have no access to education, which forces them to join madrasas, live in harsh conditions and are subjected to child labour and early marriages, making them easy targets for abuse, trafficking and religious radicalization. Furthermore, the Committee is concerned that children from Bengali, Bihari and Rohingya communities remain stateless.

66. The Committee recommends that the State party take all necessary measures to:

- (a) Consider adopting a national refugee law in accordance with international standards and continue to host refugees, especially families with children and unaccompanied children;
- (b) Ensure that all children born to refugees, including those who do not hold proof of registration cards, asylum seekers and stateless persons, are registered at birth;
- (c) Integrate refugee and asylum-seeking children into national and provincial education systems on equal terms with nationals of the State party;
- (d) Provide refugees, in particular families with children, with adequate housing and provide shelter to those who live in the streets;
- (e) Enforce legal measures against child and bonded labour involving refugee, asylum-seeking and stateless children;
- (f) Prevent and protect refugee, asylum-seeking and stateless children from falling victim to early marriage, abuse, trafficking or religious radicalization;
- (g) Ensure the equal implementation of its citizenship laws with a view to extending citizenship to Bengali, Bihari and Rohingya children;
- (h) Consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Internally displaced children

67. The Committee notes that, since its previous concluding observations in 2009, the internal displacement of children has not ceased. It continues to take place as a result of natural disasters and ongoing law enforcement operations. The Committee is concerned that the State party has not taken sufficient measures to prepare a contingency plan and that many internally displaced children and their families live in harsh conditions with no access to shelter, sanitation and health-care or education services. The Committee is also seriously concerned about reports of sexual abuse, harassment, abduction and trafficking of internally displaced children following each emergency and the lack of measures to provide them with adequate security.

68. The Committee, recalling its previous concluding observations, recommends that the State party:

- (a) Pursue efforts to address the immediate humanitarian needs and protect the human rights of internally displaced children in the country;
- (b) Take all necessary precautions and adapt its military tactics to limit civilian casualties in military operations;
- (c) Ensure that displaced children are provided with shelter, food, sanitation, health care and education, as well as with physical and psychological rehabilitation services, paying specific attention to particularly vulnerable groups, especially unaccompanied and separated children, children with disabilities and children suffering from malnutrition and disease;
- (d) Take special measures to protect internally displaced children from sexual abuse, harassment, abduction and trafficking following any emergency situation.

Children in armed groups

69. The Committee is gravely concerned that children continue to be targeted for recruitment and training by armed groups for military activities, which include suicide bombing and detonating landmines, and are transferred to the front lines of conflict areas, where they are exposed to mortal danger and risk of physical harm, and that insufficient measures have been taken by the State party to prevent such recruitment. While noting the Sabawoon Centre, and other centres established for the rehabilitation of children recruited by armed groups, the Committee is concerned about the inadequacy of such centres as well as the lack of other measures to ensure the reintegration and rehabilitation of such children.

70. The Committee urges the State party to take all necessary measures to prevent and prohibit non-State armed groups from recruiting children and using them in armed campaigns and terrorist activities, in particular suicide bombings. It also recommends that the State party strengthen its efforts to provide adequate rehabilitation and reintegration structures and services and sufficient resources for all child victims and children who have taken part in hostilities.

Economic exploitation, including child labour

71. The Committee welcomes the legislative acts passed in Punjab and Khyber Pakhtunkhwa provinces that prohibit the employment of children in certain hazardous occupations. However, the Committee remains seriously concerned about:

- (a) The extremely high number of children involved in child labour, including in hazardous and slavery-like conditions in domestic servitude and prostitution;
- (b) Reports of abuse and torture of working children, including child domestic workers, in some cases leading to the deaths of such children, mainly girls;
- (c) The continuing practice of bonded and forced labour affecting children from poor and vulnerable backgrounds, including Dalit children;
- (d) The absence of nationwide or provincial studies on the extent of child labour;
- (e) Insufficient programmes and mechanisms to identify and protect child victims of forced labour, particularly bonded labour and child labour in the informal sector, including domestic work;
- (f) The low minimum age for hazardous work, namely 14 years;
- (g) The inadequate number of sufficiently trained inspectors, their vulnerability to corruption and a lack of resources to inspect workplaces.

72. The Committee urges the State party to:

- (a) Take appropriate measures to eradicate child labour, in particular the worst forms of child labour, by addressing its root causes, including poverty;**
- (b) Establish mechanisms for the systematic and regular monitoring of workplaces that employ children, in order to prevent ill-treatment, abuse and exploitation;**
- (c) Eradicate all forms of bonded and forced labour of children, in particular those from marginalized and disadvantaged groups, such as Dalit children, and bring those responsible, in particular employers, to justice;**
- (d) Conduct a survey or study to assess the prevalence of child labour, including the worst forms of child labour such as bonded and forced labour, and inform the Committee about the findings in its next periodic report;**
- (e) Develop programmes and mechanisms to identify and protect child victims of forced labour, particularly bonded labour, and child labour in the informal sector, including domestic work;**
- (f) Strengthen the labour inspectorate by eradicating corruption and providing labour inspectors with all the support necessary, including child labour expertise, to enable them to monitor effectively, at the national and local levels, the implementation of labour law standards and to receive, investigate and address complaints of alleged violations;**

- (g) Expedite the harmonization of the labour laws in order to establish minimum ages for employment in accordance with international standards, notably the International Labour Organization Minimum Age Convention, 1973 (No. 138), and vigorously pursue the enforcement of minimum age standards, including by requiring employers to possess, and to produce on demand, proof of the age of all children working on their premises;
- (h) Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization in this regard.

Children in street situations

73. The Committee is alarmed by reports that a large number of children live in street situations and are deprived of their basic rights, including access to health care, education and shelter, and are subjected to hazardous forms of labour, sexual exploitation, abuse and trafficking. It is also concerned that children living or working on the streets, or whose parents are in conflict with the law, are often dealt with by the police rather than trained staff in child protection centres.

74. The Committee reiterates its previous recommendation that the State party:

- (a) Carry out a systematic assessment of children in street situations in order to develop and implement a comprehensive strategy, which should address the root causes of the problem, in order to prevent children from leaving families and schools for the streets;
- (b) Ensure that children in street situations are provided with adequate protection and assistance, nutrition and shelter, as well as health care and educational opportunities, in order to support their full development;
- (c) Respect the right of children in street situations to be heard when developing programmes and measures designed to protect and assist them.

Sale, trafficking and abduction

75. The Committee is seriously concerned that the State party remains a significant source, destination and transit country for children trafficked for the purposes of commercial sexual exploitation and forced or bonded labour. In particular, it is concerned that children are bought, rented and sold into domestic servitude, bonded labour and sexual exploitation or forced marriages abroad and in Pakistan. The Committee regrets the lack of clarity in the State party's laws on internal trafficking and the lack of information about specific shelters for child victims of trafficking and prostitution.

76. While taking note of target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to take all necessary measures to protect children from being trafficked or sold either within Pakistan or abroad by addressing the root causes of the sale and trafficking, including gender-based discrimination, poverty, early marriage and a lack of access to education and vocational training. It also recommends that the State party provide comprehensive social and psychological assistance to children who have been sold or trafficked in order to support their recovery and social reintegration. Furthermore, the Committee recommends that the State party clarify its laws on internal trafficking, take measures to ensure that all reports of trafficking and sale of children are promptly and effectively investigated, and that the perpetrators are prosecuted and punished.

Enforced disappearances

77. The Committee is seriously concerned about reports of enforced disappearances of children in Balochistan, Khyber Pakhtunkhwa and the Federally Administered Tribal Areas, who were allegedly abducted by law enforcement agencies, which are authorized to arbitrarily detain any person, including those below the age of 18 years.

78. The Committee urges the State party to review its security legislation in order to ensure that persons below the age of 18 years are not subjected to arbitrary detention and are instead handled by the juvenile justice system. It urges the State party to promptly and effectively investigate all cases of enforced disappearances.

Administration of juvenile justice

79. The Committee deplores the worsening situation of juvenile justice in the State party and is seriously concerned about:

- (a) The low minimum age of criminal responsibility (10 years);
- (b) Death sentences and lengthy prison terms handed down to children by the judiciary, mostly for terrorism-related crimes or *hadood* offences under sharia law;
- (c) The inadequate implementation of the Juvenile Justice System Ordinance of 2000, which provides for juvenile courts, and the fact that children are tried as adults in sharia courts and special courts for drug and terrorism-related offences;
- (d) The lack of mechanisms and of any obligation to investigate the age of an accused person in the absence of a birth certificate, leading to situations where many children are tried as adults and sentenced to death;

- (e) The detention of children together with adults, especially in Balochistan and Khyber Pakhtunkhwa, leading to the abuse of children by other prisoners and prison staff;
- (f) The continued functioning of informal courts (*jirgas* and *panchayats*), which – although they are banned by law – decide on cases concerning honour killing and bride price, among others.

80. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

- (a) Revise, as a matter of the highest priority, its legislation and increase the minimum age of criminal responsibility to an internationally accepted level;
- (b) Review its legislation with a view to prohibiting cruel and inhuman punishments for any persons below the age of 18 years, including death sentences and lengthy prison terms;
- (c) Ensure that the Juvenile Justice System Ordinance of 2000 prevails over all other laws, including sharia law, paying particular attention to sections 11 and 12 (a) of the Ordinance, which both apply "notwithstanding anything to the contrary contained in any law for the time being in force";
- (d) Introduce compulsory procedures and mechanisms to establish the age of a child, including a presumption of validity of official records such as birth certificates and placement of the onus on the State to prove adulthood beyond reasonable doubt;
- (e) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible and ensure that detention is used as a last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it;
- (f) In cases where detention, including pretrial detention, is unavoidable, ensure that children are not detained together with adults and that detention conditions comply with international standards, including with regard to access to education and health services;
- (g) Carry out systematic and regular monitoring of detention facilities where children are detained, investigate any reports or allegations of torture or ill-treatment of children and ensure that perpetrators receive punishments commensurate with the gravity of their crimes;

- (h) Set up, in accordance with the Juvenile Justice System Ordinance of 2000, specialist juvenile courts staffed by specially trained juvenile judges, prosecutors, probation officers, defence advocates and other relevant personnel, and ensure that all persons below the age of 18 years are tried exclusively by such courts, without exception;
- (i) Ensure the provision of free, qualified and independent legal representation to children in conflict with the law, from the outset and at all stages of the legal proceedings;
- (j) Prohibit informal courts, such as *jirgas* and *panchayats*, and carry out prompt and effective investigations into decisions taken by such courts and, where appropriate, prosecute their members, in particular in cases of honour killing, under the relevant articles of the criminal law.

81. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

J. Ratification of the Optional Protocols to the Convention on the involvement of children in armed conflict and on a communications procedure

82. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the involvement of children in armed conflict and the Optional Protocol to the Convention on a communications procedure.

K. Ratification of international human rights instruments

83. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

84. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, for which the State party report has been overdue since 2013.

V. Implementation and reporting

A. Follow-up and dissemination

85. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. Next report

86. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 11 June 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

87. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.



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Human Rights Committee

Concluding observations on the initial report of Pakistan*

1. The Committee considered the initial report of Pakistan (CCPR/C/PAK/1) at its 3386th, 3387th and 3388th meetings (see CCPR/C/SR.3386, 3387 and 3388), held on 11 and 12 July 2017. At its 3406th and 3407th meetings, held on 25 and 26 July 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Pakistan, despite it being four years overdue, and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's high-level delegation on the measures taken by the State party to implement the provisions of the Covenant since its entry into force. The Committee is grateful to the State party for its written replies (CCPR/C/PAK/Q/1/Add.1) to the list of issues (CCPR/C/PAK/Q/1), which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party:
 - (a) The Criminal Law (Amendment) (Offences in the Name or on pretext of Honour) Act, adopted in 2016;
 - (b) The Criminal Law (Amendment) (Offences Relating to Rape) Act, adopted in 2016;
 - (c) The National Action Plan on Human Rights, adopted in 2016;

* Adopted by the Committee at its 120th session (3-28 July 2017).

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- (d) The National Commission for Human Rights Act, adopted in 2012, and the National Commission for Human Rights established thereunder, in 2015.
4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:
- (a) The Convention on the Rights of Persons with Disabilities, in 2011;
 - (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011;
 - (c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016.

C. Principal matters of concern and recommendations

Applicability of the Covenant

5. The Committee is concerned that the rights enshrined in the Covenant are not given full effect in the domestic legal order and that courts have, in certain cases, proved reluctant to apply the Covenant (art. 2).
6. **The State party should take all measures necessary to ensure that the Covenant rights are given full effect in its domestic legal order and to ensure that these rights are applied by the domestic courts at all levels, including through enhancing training for judges, prosecutors, lawyers and public officials in relation to the Covenant.**

Reservations

7. The Committee welcomes the fact that the State party withdrew a number of reservations in 2011 and has narrowed its reservations to articles 3 and 25. However, it regrets that the State party maintains its reservations to articles 3 and 25, which limit the application of these articles only to the extent that they are in conformity with Muslim personal law and the Law on evidence, and with some provisions of the Constitution, respectively.
8. **The State party should consider withdrawing its remaining reservations to articles 3 and 25 with a view to ensuring the full and effective application of the Covenant.**

National human rights institution

9. While welcoming the establishment of the National Commission for Human Rights in 2015, the Committee is concerned that the Chairman of the Commission reportedly did not receive the required authorization to travel to Geneva to meet with the Committee

and that there are indications that the Commission is not fully independent. The Committee is also concerned that, according to its constitutive status, the Commission is prevented from fully cooperating with United Nations human rights mechanisms, cannot inquire into the practices of the intelligence agencies and is not authorized to undertake full inquiries into reports of human rights violations by members of the armed forces (art. 2).

10. **The State party should adopt all legislative, policy and institutional measures necessary to ensure that the National Commission for Human Rights is able to carry out its mandate fully and in an effective and independent manner, and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party should strengthen the power of the Commission and ensure that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity, including those allegedly committed by members of the intelligence agencies or armed forces. The State party should also strengthen its efforts to provide the Commission with sufficient financial and human resources to carry out activities throughout the territory of the State party.**

Non-discrimination

11. The Committee is concerned that the non-discrimination provisions adopted by the State party, including articles 25 to 27 of the Constitution, do not afford protection against discrimination on all the grounds prohibited under the Covenant. It is also concerned that same-sex relations between consenting adults are criminalized. While welcoming the information about progress made in the State party on the situation of intersex persons, the Committee regrets the absence of information from the delegation on effective measures to prevent and punish all forms of discriminations against lesbian, gay, bisexual, transgender and intersex persons (arts. 2, 3 and 26).
12. **The State party should take all necessary measures, including the adoption of comprehensive anti-discrimination legislation, to ensure that its legal framework:**
- (a) **Provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination;**
 - (b) **Includes a comprehensive list of grounds for discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status;**

- (c) **Provides for effective remedies in cases of violation. It should also decriminalize same-sex relations between consenting adults.**

Violence against women and domestic violence

13. The Committee is concerned that, despite efforts made by the State party, violence against women is still prevalent. It is particularly concerned that so-called honour killings continue to occur; that the *qisas* (equal retaliation) and *diyat* (financial compensation) laws are reportedly applied to some of these cases, and that some tribal councils in remote areas continue to exercise jurisdiction over these cases. It is also concerned that, despite the adoption of the anti-rape law, effective access to justice for victims of rape has reportedly not been enhanced as expected, as no mechanisms have been put in place to implement the special procedures for court hearings. It is further concerned by the very low level of reporting of violence against women, including domestic violence; the lack of prompt and effective investigation of such cases; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims (arts. 2, 3, 6, 7, 24 and 26).

14. **The State party should continue its efforts to:**

- (a) **Expedite the adoption of laws relating to violence against women that are under consideration at the federal and provincial levels and ensure they comply with international human rights standards;**
- (b) **Effectively enforce the anti-honour killings and anti-rape laws and other relevant laws criminalizing violence against women and domestic violence, and monitor their enforcement throughout the territory;**
- (c) **Enforce the prohibition of the application of *qisas* and *diyat* laws to so-called honour-related crimes and continue to regulate and supervise the tribal councils;**
- (d) **Encourage the reporting of violence against women, inter alia by informing women of their rights as well as the legal and other services that exist through which they can receive protection and compensation;**
- (e) **Ensure that cases of violence against women and domestic violence are promptly and thoroughly investigated and that perpetrators prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences;**
- (f) **Ensure that victims receive the necessary legal, medical, financial and psychological support and have access to effective remedies and means of protection;**

- (g) **Ensure that judges, prosecutors and law enforcement authorities continue to receive appropriate training that equips them to deal with cases of violence against women and domestic violence effectively and in a gender-sensitive manner; and increase the number of female police officers and specialized units dealing with such cases to an adequate level.**

Voluntary termination of pregnancy and maternal mortality

15. The Committee is concerned that abortion remains criminalized except to save the life of the woman or provide “necessary treatment”; that the circumstances under which voluntary termination of pregnancy is allowed are not clearly defined or widely understood among medical professionals or the general public; consequently, that a very large number of women seek unsafe abortions, which may put their lives and health at risk; and that there is a high level of resulting maternal mortality. The Committee is also concerned by the very high rate of unintended pregnancy owing to limited access to information and services regarding sexual and reproductive health (arts. 2, 3, 6, 7, 17 and 26).
16. **The State party should review its legislation to ensure that legal restrictions do not prompt women to resort to unsafe abortions that may endanger their lives and health. It should also take all measures necessary to combat the stigma associated with abortion; ensure the provision of safe voluntary termination of pregnancy by trained medical providers; ensure ready and affordable access to post-abortion health-care services throughout the country; and improve access to affordable contraception and sexual and reproductive health education and services, including for adolescents and disadvantaged women and girls in rural areas.**

Death penalty

17. The Committee notes with concern that the State party lifted its moratorium on the death penalty in December 2014 and that, since then, it has been one of the States with the highest rates of executions. It is particularly concerned that the death penalty is applied to crimes other than the “most serious crimes” within the meaning of article 6 (2) of the Covenant, such as drug trafficking and blasphemy; that juveniles and persons with psychosocial or intellectual disabilities are reportedly sentenced to death and executed; that a policy of blanket refusal of clemency applications is allegedly in place and no clemency applications have been granted; and that executions are allegedly carried out in a manner that constitutes torture or cruel, inhuman or degrading punishment. It also notes with concern the large number of Pakistani migrant workers who have been sentenced to death and executed overseas and the reportedly insufficient consular and legal services made available to them (arts. 2, 6, 7, 9, 14 and 24).

18. The State party should reinstate the moratorium and consider abolishing the death penalty and acceding to the second Optional Protocol to the Covenant. If the death penalty is maintained, the State party should, as a matter of priority, take all measures necessary to ensure that:

- (a) The death penalty is provided only for the “most serious crimes” involving intentional killing; it is never mandatory; pardon or commutation of the sentence is available in all cases, regardless of the crime committed; and it is never imposed in violation of the Covenant, including in the absence of fair trial procedures, and is not imposed by military courts, in particular against civilians;
- (b) No person who was below 18 years of age at the time of the commission of an offence is subjected to the death penalty and those charged with a capital offence have access to an effective and independent age determination process, and are treated as children if doubts remain about their age at the time of the crime;
- (c) No one with serious psychosocial or intellectual disabilities is executed or sentenced to death, including by establishing an independent mechanism to review all cases where there is credible evidence that prisoners who are facing the death penalty have such disabilities and reviewing the mental health of death row inmates;
- (d) The execution protocol is in line with international human rights standards and executions are carried out in accordance with the established protocol;
- (e) Pakistani migrant workers sentenced to death overseas are provided with sufficient legal and consular services throughout their legal proceedings.

Enforced disappearance and extrajudicial killings

19. The Committee is concerned by the high incidence of enforced disappearances and extrajudicial killings allegedly perpetrated by the police and military and security forces; the absence of explicit criminalization of enforced disappearances in domestic law; the Actions (in Aid of Civil Power) Regulation, 2011, which provides for detention by the army without warrants or judicial supervision and indefinite detention in military internment centres, and the allegedly high number of persons held in secret detention under the Regulation. It is also concerned by reports that the families of disappeared persons are subjected to threats and intimidation to discourage them from filing cases of enforced disappearance; by the lack of prompt and effective investigation and the very low rate of prosecution and conviction of perpetrators; and by the inadequate remedies and reparation provided for victims and their families. While welcoming the establishment of the Commission of Inquiry on Enforced Disappearances, the

Committee remains concerned by the insufficient power and resources allocated to the Commission; the non-compliance with the Commission's orders by the relevant authorities; and the high number of cases brought before the Commission that remain unresolved, with no criminal proceedings brought against perpetrators (arts. 2, 6, 7, 9, 14 and 16).

20. **The State party should criminalize enforced disappearance and put an end to the practice of enforced disappearance and secret detention. It should also review the Actions (in aid of Civil Power) Regulation, 2011 with a view to repealing it or bringing it into conformity with international standards. It should also ensure that all allegations of enforced disappearance and extrajudicial killings are promptly and thoroughly investigated; all perpetrators are prosecuted and punished, with penalties commensurate with the gravity of the crimes; families of disappeared persons and their lawyers and witnesses are protected; and a mechanism is put in place for full and prompt reparation for victims and their families. It should further strengthen the authority and the capacity (financial and personnel) of the Commission of Inquiry on Enforced Disappearances so that the latter can function effectively.**

Anti-Terrorism Act

21. While noting the State party's need to take measures to combat terrorism, the Committee remains concerned by the very broad definition of terrorism laid down in the Anti-Terrorism Act; by the Act's supremacy over other laws, including the Juvenile Justice System Ordinance, 2000, which enables the courts to try juveniles; by the power of the authorities to detain a person for up to one year; and by the admissibility of confessions made in police custody as evidence in court, provided for in section 21-H of the Act. It is also concerned by the extensive jurisdiction of antiterrorism courts and the huge backlog of cases, as well as the absence of procedural safeguards in court proceedings (arts. 2, 6, 7, 14 and 15).
22. **The State party should review the Anti-Terrorism Act with a view to aligning the definition of terrorism provided in article 6 of the Act with international standards; removing the jurisdiction of the antiterrorism courts over juvenile offenders; repealing section 21-H of the Act; and establishing procedural safeguards in the Act and bringing the court proceedings into line with articles 14 and 15 of the Covenant to ensure fair trials. It should also take the measures necessary, acting in line with the Covenant, to reduce the existing backlog of cases.**

Military courts

23. The Committee is concerned by the extension of the jurisdiction of military courts to cases transferred from the antiterrorism courts and to persons detained under the

Actions (in Aid of Civil Power) Regulation. The Committee is also concerned that the courts have convicted at least 274 civilians, allegedly including children, in secret proceedings and sentenced 161 civilians to death. It is also concerned that some 90 per cent of convictions are based on confessions; that the criteria used for the selection of cases to be tried by these courts are not clear; that defendants are not given the right to appoint legal counsel of their own choosing in practice, nor an effective right of appeal to the civilian courts; and that the charges against the defendants, the nature of evidence and the written judgments explaining the reasons for conviction are not made public. The Committee is further concerned that the military courts have allegedly convicted at least five “missing persons” whose cases were being investigated by the Commission of Inquiry on Enforced Disappearances (arts. 2, 6, 7, 9, 14 and 15).

24. **The State party should (a) review the legislation relating to the military courts with a view to abrogating their jurisdiction over civilians and their authority to impose the death penalty and (b) reform the military courts to bring their proceedings into full conformity with articles 14 and 15 of the Covenant in order to ensure a fair trial.**

Torture

25. The Committee is concerned that the domestic legislation fails to provide a definition of torture and to criminalize the practice in compliance with article 7 of the Covenant and other international standards; that torture is allegedly widely employed by the police, military and security forces and intelligence agencies; and that allegations of torture are not promptly and thoroughly investigated and perpetrators are rarely brought to justice (arts. 2, 7, 14 and 15)

26. **The State party should:**

- (a) **Amend its laws to ensure that all elements of the crime of torture are prohibited in accordance with article 7 of the Covenant and stipulate sanctions for acts of torture that are commensurate with the gravity of the crime;**
- (b) **Ensure prompt, thorough and effective investigation of all allegations of torture and ill-treatment, prosecute, punish the perpetrators, if convicted, with penalties commensurate with the gravity of the offence and provide effective remedies for the victims, including rehabilitation;**
- (c) **Ensure that confessions obtained by coercion are never admissible in legal proceedings;**
- (d) **Take all measures necessary to prevent torture, including by strengthening the training of judges, prosecutors, the police and military and security forces.**

Deprivation of liberty

27. The Committee is concerned by the high level of overcrowding and reportedly inadequate conditions of detention in prison and at the high proportion of persons held on remand, some of whom reportedly were in pretrial detention for periods longer than the maximum sentence for the crime (arts. 6, 7, 9, 10).
28. **The State party should intensify its efforts to reduce prison overcrowding and improve the conditions of detention, particularly health care and hygiene. It should also take all measures necessary to ensure that pretrial detention is used solely as an exceptional measure and not for excessively long periods, in accordance with article 9 of the Covenant.**

Freedom of movement

29. The Committee notes that various lists exist to control entry into or exit from the State party and regrets the lack of information thereon, including the criteria or grounds for the listing, the process for listing or delisting names, and the safeguards available to prevent misuse of these lists. It is concerned that the Exit Control List is allegedly used to restrict the freedom of movement of dissenting persons and that the circumstances under which passports may be cancelled, impounded or confiscated are not stated in article 8 of the Passports Act (art. 12).
30. **The State party should review the Passports Act and other legislation and policies relating to the Exit Control List, the Black List, the Passport Control List and the Visa Control List with a view to bringing them into compliance with article 12 of the Covenant, and ensure that they do not restrict freedom of movement on unjustified grounds.**

Right to a fair trial and administration of justice

31. The Committee is concerned by the fact that the Constitution, federal laws and the jurisdiction of highest courts do not apply in the Federally Administered Tribal Areas. It is also concerned by the challenges facing the judiciary in strengthening its independence and effectiveness, including the lack of transparency of judicial appointment procedures; the shortage of judges and long-term judicial vacancies; insufficient budget allocation; the considerable backlog of cases; the lack of high-quality legal education and continuing professional training for legal professionals; and corruption in the judiciary (art. 14).
32. **The State party should continue to review existing legislation on the administration of justice with a view to bringing it into compliance with the Covenant and international human rights standards, and take specific steps to ensure that the Constitution, federal**

laws and the jurisdiction of the highest courts are applied in the entire territory of the State party, including the Federally Administered Tribal Areas. It should also take all measures necessary to strengthen the independence, qualifications and effectiveness of the judiciary.

Freedom of religion, conscience and belief

33. The Committee is concerned by the blasphemy laws, including sections 295 and 298 of the Pakistan Penal Code, that carry severe penalties, including the mandatory death penalty (sect. 295(C)), and reportedly have a discriminatory effect, particularly on Ahmadi persons (section 298 (B) and (C)); by the very high number of blasphemy cases based on false accusations and by violence against those accused of blasphemy, as illustrated by the case of Mashal Khan; and by repeated reports that judges who hear blasphemy cases are frequently harassed and subjected to intimidation and threats. While noting the judgment of the Supreme Court of 19 June 2014, the Committee regrets the absence of information on the implementation of that judgment, and remains concerned by the continued reports of hate speech and hate crimes against persons belonging to religious minorities and their places of worship and by the religiously biased content of textbooks and curricula in public schools and madrasas (arts. 2, 14, 18 and 19).

34. The State party should:

- (a) Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48;
- (b) Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished;
- (c) Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases;
- (d) Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished;
- (e) Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas;
- (f) Fully implement the judgment of the Supreme Court of 19 June 2014.

Right to privacy

35. While noting the State party's view that the Prevention of Electronic Crimes Act 2016 complies with the Convention on Cybercrime, the Committee is concerned that the Act provides for: (a) overbroad powers for the Pakistan Telecommunication Authority and authorized officers without sufficient independent judicial oversight mechanisms; (b) mandatory mass retention of traffic data by service providers for a minimum of one year; (c) unduly restrictive licensing requirements for network service providers; (d) the sharing of information and cooperation with foreign governments without judicial authorization or oversight (arts. 17 and 19).
36. **The State party should review its legislation on data collection and surveillance, in particular the Prevention of Electronic Crimes Act 2016, to bring it into line with its obligations under the Covenant. It should also establish independent oversight mechanisms for the implementation of the Act, including judicial review of surveillance activity; review its laws and practice of intelligence-sharing with foreign agencies to ensure its compliance with the Covenant; review all licensing requirements that impose obligations on network service providers to engage in communication surveillance, particularly in relation to indiscriminate data retention; and ensure that surveillance activities comply with the State party's obligations under the Covenant. It should further adopt a comprehensive data-protection law in line with international standards.**

Freedom of expression

37. The Committee is concerned that defamation is criminalized and can be punished with imprisonment, and concerned by reports that criminal laws are improperly used against journalists and dissenting voices. It is also concerned by reports of the way in which the Pakistan Electronic Media Regulatory Authority exercises its powers over the content of media outlets, including suspending over 20 programmes in the past four years; and the lack of clarity about procedural safeguards and oversight mechanisms to ensure that the Regulatory Authority exercises its powers in a way consistent with the principle of freedom of expression. It is further concerned, despite the measures taken by the State party, by repeated reports of disappearance, killing and intimidation of journalists, human rights defenders and lawyers by State and non-State actors and the low rate of prosecution and conviction of perpetrators (arts. 6, 7 and 19).
38. **The State party should decriminalize defamation, and ensure that imprisonment is never a punishment for defamation and that criminal laws are not improperly used against journalists and dissenting voices. It should also review its legal provisions relating to freedom of expression, including article 19 of the Constitution, the rules applicable under the Pakistan Electronic Media Regulatory Authority (Amendment) Act 2007 and the code of conduct for programmes and advertisements for broadcast media**

and distribution services, with a view to putting in place effective oversight mechanisms and procedural safeguards and bringing these provisions into line with article 19 of the Covenant. Furthermore, it should promptly and thoroughly investigate all reported cases of harassment, disappearance and killing of human rights defenders, bring the perpetrators to justice and intensify its efforts to ensure a safe and favourable environment for the work of journalists, lawyers and human rights defenders.

Freedom of assembly and association

39. The Committee is concerned that the Policy for Regulation of International Non-Governmental Organizations in Pakistan may, contrary to its intention, constrict the registration of international non-governmental organizations (NGOs) and their activities. It is particularly concerned by the broad and vague grounds for cancellation of the registration of these organizations (arts. 18, 19 and 22).

40. The State party should review its legislation on the registration of international NGOs with a view to bringing it into line with article 22 of the Covenant.

Early marriage and forced marriage

41. The Committee is concerned that the minimum age for marriage is set differently for girls (16 years) and boys (18 years) in some provincial laws; that the practice of *ghag*, forced marriage and child marriage continues; and that a high number of victims of such practices have attempted or committed suicide (arts. 2 (2), 3, 6, 23 and 26).

42. The State party should ensure that the minimum age for marriage is set at 18 years for both girls and boys; intensify its efforts to eradicate forced marriage and related harmful practices, including by carrying out prompt and effective investigations of all reported cases and prosecuting those responsible, if appropriate; and ensure that victims are provided with appropriate remedies and rehabilitation services.

Protection of children

43. The Committee is concerned, despite the efforts made by the State party, by the low level of birth registration, which has adverse consequences for children. It is also concerned by the high number of children engaged in labour under hazardous and slavery-like conditions, particularly in the brick kiln industry and domestic settings, and the insufficient labour inspections of child labour. It is also concerned that perpetrators are rarely brought to justice and victims do not receive adequate assistance and rehabilitation services (arts. 2, 6, 7, 8, 24 and 26).

44. **The State party should intensify its efforts to ensure that all children are registered at birth; identify children whose birth has not been registered and children without identity documents and register them; and raise awareness about the importance of birth registration. It should also take all measures necessary to put an end to child labour by rigorously enforcing the laws on child labour and strengthening labour inspection mechanisms.**

Afghan refugees

45. The Committee commends the State party for hosting millions of Afghan refugees for many years and welcomes the adoption of the comprehensive policy on the voluntary repatriation and management of Afghan refugees and the State party's plan to conduct the registration of undocumented Afghans in August 2017. The Committee, however, remains concerned by the delay in adopting a national refugee law and by reports that Afghans in Pakistan, particularly those without documents, are exposed to arbitrary arrest, harassment and threats of deportation by the police and security forces (2, 7, 9 and 26).

46. **The State party should carry out the registration of undocumented Afghan refugees as planned. It should expedite the adoption of national refugee law in compliance with international human rights and humanitarian standards. It should also investigate all allegations of abuse against refugees by the police and security forces, while taking all measures necessary to prevent such abuses.**

Right to participate in public affairs

47. While noting the adoption of quotas for women and minority persons in the national and provincial parliaments and in public services and quotas for persons with disabilities in public services, the Committee is concerned that the minority quota is applied only to religious minorities, and regrets the absence of sufficient information on the implementation of these quotas. It is also concerned by the removal of Ahmadis from the general electoral list and their registration on a separate voting list, the low level of exercise of the right to vote by women and remaining obstacles to effective access to voting for persons with disabilities and persons belonging to minorities, including gypsies (arts. 2, 25, 26 and 27).

48. **The State party should review its regime of temporary special measures, including quotas for minorities, to ensure that they apply to all persons belonging to religious, cultural and ethnic minorities and ensure that every citizen, on general terms of equality, is able to effectively participate in the conduct of public affairs and have access to public services. The State party should improve the election system and**

procedures with a view to ensuring that all voters are included on electoral lists and that all citizens can exercise their right to vote without obstacles.

D. Dissemination and follow-up

49. The State party should widely disseminate the Covenant, its initial report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and NGOs operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language of the State party.
50. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 18 (death penalty), 20 (enforced disappearance and extrajudicial killings) and 34 (freedom of religion, conscience and belief) above.
51. The Committee requests the State party to submit its next periodic report by 28 July 2020 and to include in that report information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party, in preparing the report, to broadly consult civil society and NGOs operating in the country, as well as minority and marginalized groups. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, within one year of the adoption of the present concluding observations, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The State party's replies to that list will constitute its next periodic report to be submitted under article 40 of the Covenant.
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Human Rights Committee

Concluding observations on the initial report of Pakistan

Addendum

Information received from Pakistan on follow-up to the concluding observations*

[Date received: 16 May 2019]

* The present document is being issued without formal editing.

Response to Recommendation at Para 18

1. The International Convention on Civil and Political Rights (ICCPR) allows capital punishment but under certain limitations. Article 6 of the said Convention states that in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes. There is no international consensus on the definition of “most serious crimes”.
2. The Policy of death penalty in Pakistan is in line with the Constitution and national circumstances and is in consonance with our international obligations. Pakistan is examining the existing provisions of its Criminal Procedure Code (Cr. PC) and Pakistan Penal Code (PPC) to determine if the scope of death penalty can be narrowed.
3. The moratorium on death penalty was lifted after a national consensus developed in the wake of dreadful and atrocious attack on Army Public School, Peshawar in which more than one hundred and forty students and teachers lost their lives. This decision was supported by all the political parties.
4. The death penalty is awarded by courts after following due process of law. Every accused sentenced to death has constitutional right and access get pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority. Every person condemned to death has right to seek pardon or commutation of sentence. Article 45 of the Constitution of the Islamic Republic of Pakistan states, “The President shall have power to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.” All the prisoners sentenced to death, whether by Ordinary Courts or Military Courts are given opportunity to seek Presidential Pardon. This is part of right to due process of law as guaranteed in Article 10-A of Pakistan’s Constitution.
5. In accordance with the Juvenile Justice System (Juvenile Justice System Ordinance (2000), death penalty cannot be imposed on individuals below the age of 18 in Pakistan. Adequate safeguards are in place to ensure this, and no death penalty has been awarded to any individual below the age of 18. The Juvenile Justice System Act, 2018 has also been promulgated. The Act provides for disposal of cases through diversion and social-reintegration of the juvenile offenders. Provision in the law allows for self-determination of age, shifting the onus to prove otherwise on the prosecution. The age of accused is determined at several stages:
 - (i) Time of arrest
 - (ii) Arrest Certificate (Hulaiya Form)
 - (iii) Statement u/sec 161 CRPC
 - (iv) Entry in police diary (Zimni)

- (v) Statement u/164 CRPC
 - (vi) Recording of evidence
 - (vii) Statement u/sec 340, 342 CRPC
 - (viii) Appeal to High Court
 - (ix) Appeal/Revision Petition to Supreme Court
 - (x) Pardon to President u/Art 45 of the Constitution.
6. In the wake of daunting challenges and threats posed by terrorists' attacks and loss of precious life and property, the military courts were established under the 21st Constitutional amendment with limited scope i.e. to deal with terrorism related cases, only. These military courts had expired on January, 2017 but were given extension for another two years through Constitutional Amendment. These courts have now expired in March 2019. The establishment of the military courts was in accordance with our constitution and international obligations. In this regard, it may be noted that the process of processing cases for the military courts was designed with checks and balances. Thus, out of 869 cases received from the provinces, only 59 prisoners were executed after observing due process of law through courts including Supreme and High Courts. The following steps were taken to ensure right of fair trial:
- (i) All cases to be tried in Military Courts were to be approved by respective Provincial Apex Committee by Law.
 - (ii) Sanction of the Federal Government for trial or such cases in Military Courts was also a pre-requisite as per law.
 - (iii) Condemned prisoners by Military Court have right to appeal to Court of Appeals against any judgment passed by Military Courts. They can also appeal before Chief of Army Staff. They further have the right to appeal for mercy to the President under Article 45 of the Constitution of Pakistan.
7. A Committee to review mercy petitions has been notified under Article 45 of the Constitution whereby the President of Pakistan has been granted powers to pardon prisoners on the death row.

Response to Recommendation at Para 20

8. The Federal Government had constituted a 'Commission of Inquiry on Enforced Disappearances' in March 2011 in exercise of the powers conferred upon it under Pakistan Commissions of Inquiry Act 1956 (Repealed by Pakistan Commission of Inquiry Act 2017). The Commission, comprising the Chairman and two Members is headed by former Senior Most Judge of the Supreme Court of Pakistan.

9. Commission on Inquiry on Enforced Disappearances serves as a legal forum for families of alleged disappeared persons to lodge complaints. During investigation of cases, they are kept informed about progress of their cases. The hearing of the cases is done in their presence. The system is absolutely free of cost as neither there is any fee for lodging a complaint nor the complainants are required to engage lawyers to appear before the Commission. The hearings are also held at the provincial capitals with a view to save expenses of the complainants to travel to the federal capital. During investigation of cases, the Commission has been receiving full co-operation from all stake holders including Federal / Provincial Governments, Intelligence and Law Enforcing Agencies. There is no instance of non-compliance of Commission's orders by the relevant authorities.
10. Consequent to concerted efforts and co-ordination with the stakeholders, the Commission has been able to dispose off majority of the cases. The details of cases of enforced disappearances up to 31.3.2018 are given below:

<i>Total Number of cases received by the Commission</i>	4,929
Cases disposed of by the Commission from March, 2011 to February, 2018	3,219
Cases under investigation as on 28.02.2018	1,710
Average Disposal of cases per month	38.32

11. The Actions (in Aid of Civil Power) Regulations, 2011 have been formulated strictly in conformity with the International Human Rights Standards. The abuse or misuse of force during operations has been made punishable under the Regulations. All detainees apprehended during operations are kept in declared and notified Internment Centers. The internees' cases are being regularly reviewed by the Oversight Boards notified by the Provincial Governments. Comprehensive provisions including welfare of detainees, de-radicalization, release and disposal of cases are contained in the law.

Response to Recommendations at Para 34 (a), (b) and (c)

12. The Blasphemy law of Pakistan is contained in the Chapter XV of Pakistan Penal Code. The Government takes any complaint of misuse of Blasphemy Law with the utmost

seriousness, and continues to take legal, administrative as well as policy measures to prevent the misuse of the Blasphemy Law.

13. Blasphemy Law aims at ensuring public order and harmony in society, by seeking to prevent inter-religious discord and incitement to violence, inter alia through hate speech. This law in Pakistan is non discriminatory and deals with offences against all religions and applies to Muslims and non-Muslims alike.
14. Various measures have been adopted through a consultative process to check the misuse of Blasphemy Law, which involved stakeholders including the Provincial Governments, Ministry of Religious Affairs, Law and Justice Division, Ministry of Information and Broadcasting, the Council of Islamic Ideology, Ulema Councils and Various Law Enforcement Agencies. The overall strategy has been to evolve consensus of all the stakeholders so that flaws in the process are identified and then stymied so as to deter such cases from occurring.
15. In pursuance of such aims, the Ministry of Interior has, with the approval of the Federal Cabinet, made amendments in the Federal investigation Agency (FIA) schedule wherein any complaint under section 295-A, 295-C, 298 and 298-A of Pakistan Penal Code (PPC) will fall in purview of the FIA which will have the powers to check misuse of blasphemy cases parallel to the provincial police departments. Additional safeguards have been put in place to check misuse of Blasphemy Law including:
 - Procedure has been amended and the preliminary inquiry in such cases is now carried out by the District Police Officer (*senior level*).
 - Section 211 of PPC states that a person intentionally initiates a false criminal case or puts false charges on any other person for an offence without any lawful ground; he shall be punished with imprisonment of 2 years, or fine or both. And he may also be imprisoned for 7 years and fine, if punishment for such falsely charged crime is death, imprisonment for life, or for 7 years or more.
16. Just like any other offender, a person accused of violation of Blasphemy Law undergoes a trial before the Court of law. There is also an effective process of appeal in case of conviction under the Blasphemy Law. If any accused is convicted and awarded capital punishment by Court of Sessions, the same is required to be confirmed by two judges of the High Court otherwise it cannot be implemented. After the decision of the High Court, the convict has the remedy to appeal to the Supreme Court of Pakistan. If the apex Court upholds the verdict of the High Court, a mercy petition can be submitted to the President of Pakistan who under Article 45 of the Constitution can grant pardon, reprieve and remit the sentence.

17. The Supreme Court of Pakistan, in a case reported as PLD 2002 SC 1048, has held that the rule of benefit of doubt, which is described as the golden rule and a rule of prudence, which cannot be ignored while dispensing justice in accordance with the law. It is based on the maxim, "it is better that ten guilty persons, be acquitted rather than one innocent person be convicted. This rule also occupies a pivotal place in Islamic Law and is enforced rigorously in view of the saying of the Holy Prophet (P.B.U.H.) "the mistake of Qazi (judge) in releasing a criminal is better than his mistake in punishing an innocent".
18. Statistics of Blasphemy cases registered in Punjab during 2011-2015 show that out of 2299 only 255 (11%) persons were falsely involved in the blasphemy cases and out of 1296 cases only 119 (9%) cases were falsely registered. This ratio was reduced to 6% in 2015 due to effective prosecution by the Government and discouragement of the abuse of Blasphemy Law by mischievous elements. Furthermore, 1201 (around 93%) blasphemy cases were registered against Muslims (majority) whereby 6 cases are against Muslims by Non-Muslims. During the same period, in Sindh, the second largest province of Pakistan, only 11 cases were registered. In case of KP, only 19 cases were registered and most of them are against Muslims. It is noteworthy that not a single person has been executed so far on the allegations of blasphemy.
19. The 2018 Supreme Court judgement in Asia bibi case gives useful insights to further improve the legal and administrative measures on application of Blasphemy Law.

Response to Recommendations 34 (d), (e), and (f)

20. Rights and interests of minorities are protected in Pakistan. Minorities constitute about 3.5 per cent of the total population and consist of Christians, Hindus, Ahmedis, Parsis, Buddhists and Sikhs. Discrimination on the basis of ethnic diversification is not a prevalent phenomenon in the Pakistani society. Furthermore there is no bar on any caste, creed, linguistic and ethnic group in respect of political participation at national, provincial or local level. Few constitutional guarantees for the protection of rights of minorities are as under:
- Article 36 of the Constitution of Pakistan states; "The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services."
 - Article 33 of the Constitution also forbids any sort of discrimination among citizens on racial, parochial, tribal or sectarian grounds.
 - Article 37 carries a special reference to the promotion of social justice and eradication of social evils, ensuring that; "The State shall: (a) promote, with special care, the educational and economic interests of backward classes or areas."

- Under Articles 20, 21, 22, 26, 27 and 28 of the Constitution of Pakistan, minorities are equal citizens of Pakistan and are free to profess their religion and visit their places of worship.

21. The Government of Pakistan has taken a number of legislative measures and policies that translate constitutional principles into state action for promotion and protection of rights of the minorities:

- The National Commission for Human Rights (NCHR), which was established in 2015, has suo moto powers to take action against cases of human rights violations in the country. It also acts as a quasi-judicial body. The NCHR has been diligently working for the protection of rights of all citizens and has been keeping a close eye on any case of discrimination or abuse especially against minorities.
- The Government has notified the National Commission for Minorities (NCM) with extended terms of references on 16-07-2014.
- The Government has further strengthened the National Commission for Minorities (NCM) The NCM along with revised composition and TORs was approved and notified on 4th May 2015 with the inclusion of the Minister, Religious Affairs & Inter-faith Harmony, as ex-officio chairman of the NCM. The Commission comprises members representing all minority communities living in the country.
- Ministry of Human Rights is giving special attention to the protection of rights of minorities in line with National Action Plan for Human Rights approved by the Prime Minister of Pakistan.
- The Government has enhanced security around places of worship of all communities.

22. The Supreme Court of Pakistan in its landmark judgment of 19th June, 2014 as a result of suo moto proceedings under Article 184(3) of the Constitution initiated on a letter received from an NGO regarding an attack on a Church in Peshawar, clarified the applicability of this section that desecration of places of worship of minorities is also an offence under this section. The section protects all religions against desecration of their places of worship including Churches, Imam bargahs, Gurdawaras and mosques.

23. Pakistan Penal Code defines penalties against perpetrators of human rights violations against minorities which include inter alia the following:

- Section 153(A) criminalizes promotion of enmity between different groups, on the basis of race religion, language, case or community.

- Section 505(2) criminalizes publication of any material that may incite group differences.
- Section-295: Relates to injuring or defiling place of worship with intent to insult religion of any person.
- Section-295-A: Relates to malicious acts intended to outrage religious feelings of any class by insulting its religion beliefs.
- Section-296: Relates to disturbing religious assembly.
- Section-297: Prohibits trespassing on burial place.

24. In addition to the PPC, Police Order, 2002 Chapter-II contains special provisions to ensure protection of the rights of vulnerable sections of society. Besides, other functions, it binds every police officer to “assist in preventing members of public from exploitation by any person or organized groups”. These provisions serve to enhance legal protection of all sections of society.

25. Electronic media is regulated by the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002). It was holistically amended in 2007 (Pakistan Electronic Media Regulatory Authority (amendment) Act, 2007) and thereafter the regulatory regime was further strengthened. Clause (c) of section 20 of the said Act, ensures that all programs and advertisements shall not contain or encourage violence, terrorism, racial, ethnic or religious discrimination, hatred, pornography, or other material offensive to commonly accepted standards of decency.

26. Section 23 of Pakistan Electronic Media Regulatory Authority Code of Conduct 2015 ensures that no satellite TV channel, FM Radio or distribution network i.e. Cable TV network, IPTV, MMDS etc. is allowed, whatsoever, to disseminate any programme/content containing hate speech; whereas hate speech includes any expression that may incite violence, hatred or discrimination on the basis of religion, ethnicity, colour, race, gender, origin, caste, mental or physical disability. Section 23 of Code of Conduct states that:

- (a) Licensee shall ensure that hate speech by any of its employees or any guest in a programme is not aired.
- (b) The licensee shall not relay allegations that fall within the spectrum of hate speech including calling someone anti-Pakistan, traitor, or anti-Islam.
- (c) Where hate speech is resorted to by any guest, the channel and its representative must stop the participant and remind him and the audience that no one has the

authority to declare any other citizen as a Kafir or enemy of Pakistan, Islam or any other religion.

27. Loud speakers have been banned to discourage the hate speech and thousands have been arrested for its violation.
28. On 7 May 2019, the Federal Cabinet approved a uniform curriculum for all education institutions in the country, which includes 30,000 madrassahs (religious seminaries).
29. The Syndicate of University of the Punjab in its meeting held on 14th February, 2018 has approved inclusion of human rights and tolerance as a separate subject in BA/ B.Sc. compulsory course of Pakistan Studies/ Islamiat w.e.f. academic session 2018.
30. The Ministry of Human Rights has also initiated Public Awareness Campaign on Human Rights Education and Sensitization under Action Plan for Human Rights, 2016 through Seminars as well as advertisements in print and electronic media. The campaign's target is general public, civil society, researchers, academia, students, government functionaries and different segments of society.
31. The National Action Plan provided for steps for countering hate speech and extremist material, effective measures against religious persecution, registration and regulation of madrassas, ban on glorification of terrorism and terrorist organizations through print and electronic media. In this regard, 1373 cases regarding hate speech, or publishing hate material have been registered.
32. The details of steps taken by Provincial Governments are attached as Annex-A.

Conclusion

33. The concluding observations / recommendation on ICCPR have been shared with all relevant departments of the federal, provincial, AJ&K and GB governments. Treaty Implementation Cells (TICs) set up at federal, provincial and district levels have also actively been disseminating recommendations of UN treaty bodies.
34. The Government of Pakistan reiterates that it attaches the highest importance to Human Rights and promotion and protection for all of its citizens. The Government's Vision 2025 focuses on inclusive and sustainable development, thus ensuring 'Human Dignity' for all. This follow-up report to the Concluding Observations is a testimony of our commitment and constructive engagement with the human rights mechanisms.

Annexure A

Steps taken by Provincial Governments for the Protection of Minorities:

1. Khyber Pakhtunkhwa

- In KPK, Commissioners and Police formations have been directed to exhibit zero tolerance to hate speeches and material. The propagation of hate speech and incitement to violence through loudspeakers has been discouraged and strict action has been taken in different districts of the province. FIRs have been lodged for the aforesaid offence, perpetrators arrested and equipments seized.
- District Vigilance Committees have been constituted to keep an eye on the religious institutions.
- KPK Protection of Communal Properties of Minority Community Act-2014 and KPK Evacuee Trust Property (Management & Disposal) Act -2014 were enacted to strengthen legal framework for the protection and promotion of rights of minorities.
- KPK Hindu Disposition of Property Bill-2014 is under process in the Provincial Assembly for legislation.

2. Punjab

- Government of Punjab has initiated a program to sensitize trainers involved in training of public officials on the issues of religious rights and freedom. Inter-faith harmony seminars are being arranged in Punjab and other provinces to raise awareness regarding religious rights and freedom.
- Curriculum in Punjab is being reviewed and revised systematically by making it coherent with aim of social and interfaith harmony. The Board responsible for curriculum development is a statutory body working independently with relevant guidance of the provincial government on important matters.
- Government of Punjab has reorganized the Provincial and District Interfaith Harmony Committees for creation of harmonious relations and tolerance among religious minorities.
- The Punjab Sound Systems (Regulation) Act, 2015 has been implemented strictly to curb and control hate speech.
- District Interfaith Harmony committees are also meeting frequently to sensitize religious and social leaders about peaceful co-existence. Government of the

Punjab, Home Department imposes ban on Hate Material (u/s 99-A of CrPC 1898) after receiving recommendations from Mutheda Ulema Board, Punjab.

- Government of the Punjab has forfeited 67 Publications and CDs and declared these as hate material under section 99-A of the CrPC on recommendation of Mutahida Ulema Board (MUB) from January 2015 to November 2017.
- Punjab school Education Department has introduced a supplementary study material that has been published and disseminated to students titled “Lets study together” to eliminate elements of discrimination against religious minorities. Curriculum has also been revised to make it more supportive of inter-faith and social harmony.
- The Punjab Information of Temporary Residents Act, 2015, The Punjab Security of vulnerable Establishments Act, 2015, The Punjab Maintenance of Public Order (Amendment) Act, 2015 and The Punjab Arms (Amendment) Act, 2015 were enacted to strengthen legal framework for the protection and promotion of rights of minorities.
- Punjab Police has reserved 6249 Personnel solely for security of Worship Places of Minorities who have especially been trained to overcome any untoward situation as such compliance of this direction also stood implemented.

3. Sindh

- The Sindh Sound System (Regulation) Ordinance 2015” envisages the prevention of incitement to violence against persons based on religion or belief.
- The Sindh Security of Vulnerable Establishment Act 2015” promulgated by the Provincial Assembly, aims to identify, categorize, notify and provide full-fledged security to religious/ sensitive establishments and places. In order to protect and safeguard religious minorities, the Minorities Affairs Department of Sindh has constituted two Committees at Provincial and District level headed by Minister for Minority Affairs and District Committee headed by Deputy Commissioner of concerned districts respectively.
- Government of Sindh is paying serious attention to provide security to the minorities and their religious places. In this regard, CCTV cameras have been installed at all sensitive places and worship places of minorities.
- Sindh Assembly has passed the resolution regarding inclusion of religious text books of Hindus in curriculum of Hindu minorities.

- The Sindh School Education Standards and Curriculum Act 2014 has been promulgated. This law aims to enable all children to have a command of relevant knowledge, skills and human rights values necessary to reach their full potential.

4. Balochistan

- The Religious Affairs & Interfaith Harmony Department of Balochistan has taken various steps after the devolution of this subject for uplifting the minorities in Baluchistan for promotion of interfaith harmony.
 - The Home & Tribal Affairs Department, Government of Baluchistan provides security to the minorities in Balochistan and their religious places especially on the following occasions:
 - (a) Worship days like every Sunday at the Church premises
 - (b) Religious events like Holy, Easter, Christmas etc.
 - (c) Festivals and Functions
 - (d) On arrival of respective Religious leaders of minorities
 - In Balochistan, separate course of ethics is being offered to non-Muslim students instead of Islamic studies. It is also being ensured that no material related to hate speech is part of daily lessons.
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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Pakistan*

<i>Concluding observations (120th session):</i>	CCPR/C/PAK/CO/1 , 23 August 2017
<i>Follow-up paragraphs:</i>	18, 20 and 34
<i>Follow-up reply:</i>	CCPR/C/PAK/CO/1/Add.1 , 16 May 2019
<i>Committee's evaluation:</i>	Additional information required on paragraphs 18[B][C], 20[C] and 34[C][B]
<i>Information from non-governmental organizations:</i>	Centre for Social Justice ¹ , Justice Project Pakistan ² and International Commission of Jurists ³

* Adopted by the Committee at its 127th session (14 October – 8 November 2019).

¹ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fPAK%2f35871&Lang=en.

² See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fPAK%2f37168&Lang=e

³ Link

Paragraph 18: Death penalty

The State party should reinstate the moratorium and consider abolishing the death penalty and acceding to the second Optional Protocol to the Covenant. If the death penalty is maintained, the State party should, as a matter of priority, take all measures necessary to ensure that:

- (a) The death penalty is provided only for the “most serious crimes” involving intentional killing; it is never mandatory; pardon or commutation of the sentence is available in all cases, regardless of the crime committed; and it is never imposed in violation of the Covenant, including in the absence of fair trial procedures, and is not imposed by military courts, in particular against civilians;
- (b) No person who was below 18 years of age at the time of the commission of an offence is subjected to the death penalty and those charged with a capital offence have access to an effective and independent age determination process, and are treated as children if doubts remain about their age at the time of the crime;
- (c) No one with serious psychosocial or intellectual disabilities is executed or sentenced to death, including by establishing an independent mechanism to review all cases where there is credible evidence that prisoners who are facing the death penalty have such disabilities and reviewing the mental health of death row inmates;
- (d) The execution protocol is in line with international human rights standards and executions are carried out in accordance with the established protocol;
- (e) Pakistani migrant workers sentenced to death overseas are provided with sufficient legal and consular services throughout their legal proceedings.

Summary of the State party’s reply

- (a) The State party repeated the information provided in its replies to the list of issues (CCPR/C/PAK/Q/1/Add.1, paras. 21–23) that its policy on the death penalty was in line with its Constitution and national laws and international norms, that the moratorium on the death penalty had been lifted after a national consensus had developed in the wake of a dreadful and atrocious attack in which more than 150 students and teachers had lost their lives at the hands of terrorists, and that the death penalty could not be imposed on individuals below the age of 18.
- (b) The State party is examining the existing provisions of its Penal Code and Criminal Procedure Code to determine whether the scope of the death penalty can be narrowed.

- (c) The military courts expired in January 2017, but their operation was extended for two years through constitutional amendment and then expired in March 2019. In 869 cases received from the provinces, 59 prisoners had been executed after due process of law had been observed. The State party referred to the power of the President to pardon prisoners on death row.
- (d) The death penalty has not been applied to any individual below the age of 18. The Juvenile Justice System Act of 2018 has also been promulgated. A provision in the law allows for self-determination of age, shifting the onus to the prosecution otherwise onto the prosecution.
- (e) No information provided.
- (f) No information provided.
- (g) No information provided.

Information from non-governmental organization

Justice Project Pakistan

- (a) The Ministry of Interior and the Ministry of Human Rights are drafting rules and regulations to reform the mercy petitions procedure.
- (b) The Juvenile Justice System Act of 2018 does not accord the benefit of the doubt to the child in case of conflicting or inconclusive evidence. Minor offenders remain on death row, as Muhammad Iqbal, despite the presidential Notification No. F.8/41/2001-Ptns which granted him, and others, remission.
- (c) The Justice Project Pakistan and the Ministry of Law and Justice are conducting a study on the revision of the prison rules regarding the treatment of mentally ill prisoners.
- (d) The Ministry of Law and Justice formed a working group including actors of the civil society to review the Pakistan Prison Rules.
- (e) In March 2018, the Government approved prisoner transfer agreements with China and Saudi Arabia. However, this agreement has yet to be approved by the Federal Cabinet.

Committee's evaluation

[B]:(a): The Committee notes the information on reviewing existing legal provisions to determine whether the scope of the death penalty can be narrowed, but requests further information in this respect, including concrete measures taken or envisaged to ensure that the death penalty is applied only for the “most serious crimes” involving intentional killing. It also notes the information provided on the power of the President to grant pardons to prisoners on death row, but requests information on: (a) the number of death sentences imposed in the last two years; (b) the number of pardons granted by the President and commutations of sentences in the last two years; and (c) whether the institution of pardoning and commuting sentences can be applied irrespective of the crime committed. Although it notes that the military courts expired in March 2019, the Committee regrets that 59 prisoners were executed on the basis of sentences given by military courts and requests information on whether military courts have imposed death penalty sentences on civilians.

[C]:(b), (c), (d) and (e):

The Committee notes the information provided by the State party on the prohibition on imposing the death penalty on persons below the age of 18 and on the promulgation of the Juvenile Justice System Act in 2018, which provides for an age determination process. It requires information on the number of persons currently on death row for crimes committed while they were under the age of 18 years, the number of stays of execution that have been issued for those under 18 years of age who were sentenced to death, whether the Act has been fully applied, that is, whether persons under the age of 18 have been sentenced to death since the passage of the Act, and the measures taken to implement the age determination process in the new Juvenile Justice System Act.

The Committee regrets that no information was provided on measures taken to prevent executions or the imposition of the death sentence on persons with serious intellectual or psychosocial disabilities; on the execution protocol and whether it was in line with international standards; and on Pakistani migrant workers sentenced to death overseas. The Committee reiterates its requests for information and reiterates its recommendation.

Paragraph 20: Enforced disappearance and extrajudicial killings

The State party should criminalize enforced disappearance and put an end to the practice of enforced disappearance and secret detention. It should also review the Actions (in aid of Civil Power) Regulation, 2011 with a view to repealing it or bringing it into conformity with international standards. It should also ensure that all allegations of enforced disappearance and extrajudicial killings are promptly and thoroughly investigated; all perpetrators are prosecuted and punished, with penalties commensurate with the gravity

of the crimes; families of disappeared persons and their lawyers and witnesses are protected; and a mechanism is put in place for full and prompt reparation for victims and their families. It should further strengthen the authority and the capacity (financial and personnel) of the Commission of Inquiry on Enforced Disappearances so that the latter can function effectively.

Summary of the State party's reply

The State party repeated the information provided in its replies to the list of issues with respect to the setting up of the Commission of Inquiry on Enforced Disappearances (CCPR/C/PAK/Q/1/Add.1). It provided statistics on cases of enforced disappearance up to 31 March 2018, namely a total of 4,929 cases of enforced disappearance; 3,219 cases that had been disposed from 2011 to 2018; and 1,710 cases that were under investigation as at February 2018.

The State party referred to the Actions (in Aid of Civil Power) Regulation, 2011. The abuse or misuse of force during operations had been made punishable under that regulation. Detainees apprehended during operations were kept in declared and notified internment centres. Internees' cases were reviewed regularly by the oversight boards, notified by the provincial governments. Comprehensive provisions, including on the welfare of detainees, deradicalization, release, and disposal of cases, were contained in the law.

Information from non-governmental organization

International Commission of Jurists

Enforced disappearance are not criminalized yet, the State party register those cases as abductions, kidnappings or wrongful confinement in secret. In August 2019, the Khyber Pakhtunkhwa Actions Ordinance extended the scope of the Actions (in aid of Civil Power), granting sweeping powers to members of the armed forces in the whole of Khyber Pakhtunkhwa province. As of September 2019, not a single perpetrator of enforced disappearance has been brought to justice. The tenure of the Commission of Inquiry on Enforced Disappearances was extended until September 2020, but the Commission is no longer competent to register first information reports once the victim is found. The Commission's definition of enforced disappearance does not recognise secret detention or undisclosed detention, which excludes cases in which the enforced disappearance is authorised by the State.

Committee's evaluation

[C]: The Committee notes the information provided by the State party, but regrets that the measures were taken before the adoption of the concluding observations. The Committee

takes note of the statistics provided by the State party, but regrets the lack of information on concrete measures taken since the adoption of the concluding observations to ensure that all allegations of enforced disappearance and extrajudicial killing were promptly and thoroughly investigated and victims were adequately compensated. The Committee also requires information on: (a) measures taken to criminalize enforced disappearance and to put an end to the practices of enforced disappearance and secret detention; (b) whether the State party intends to repeal the Actions (in Aid of Civil Power) Regulation, 2011 or to bring it into conformity with international standards; (c) measures taken to ensure that all perpetrators are prosecuted and punished with penalties commensurate with the gravity of the crimes; (d) measures taken to ensure that families of disappeared persons and their lawyers and witnesses are protected; (e) measures taken to put in place a mechanism for full and prompt reparation for victims and their families; (f) measures taken since the adoption of the concluding observations to further strengthen the authority and the capacity (financial and personnel) of the Commission of Inquiry on Enforced Disappearances; and (g) cases dealt with by the Commission of Inquiry on Enforced Disappearances.

Paragraph 34: Freedom of religion, conscience and belief

The State party should:

- (a) Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48;**
- (b) Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished;**
- (c) Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases;**
- (d) Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished;**
- (e) Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas;**
- (e) Fully implement the judgment of the Supreme Court of 19 June 2014.**

Summary of the State party's reply

- (a) The State party repeated the information provided in its replies to the list of issues (CCPR/C/PAK/Q/1/Add.1, para. 68).

Various measures have been adopted through a consultative process to check for misuse of the Blasphemy Law. The overall strategy has been to develop consensus from all stakeholders so that flaws in the process are identified and then stymied, so as to deter such cases from occurring.

The Ministry of Interior has, with the approval of the Federal Cabinet, made amendments in the Federal Investigation Agency schedule whereby any complaint under sections 295-A, 295-C, 298 and 298-A of the Pakistan Penal Code will fall within the purview of the Federal Investigation Agency, which will have the powers to check for misuse of blasphemy cases, in parallel with the provincial police departments. The State party detailed additional safeguards that have been put in place to check for misuse of the Blasphemy Law.

- (b) The State party repeated the information that it had provided in its replies to the list of issues (CCPR/C/PAK/Q/1/Add.1, para. 72) on violation of the Blasphemy Law. It also referred to a case from the Supreme Court of Pakistan, of 2002 (PLD 2002 SC 1048), in which the rule of the benefit of the doubt had been invoked and been described as the golden rule and a rule of prudence.

Statistics on blasphemy cases registered in Punjab, Sindh and Khyber Pakhtunkhwa Provinces during the period 2011–2015 were submitted. It was noted that not a single person had been executed so far as a consequence of allegations of blasphemy.

The Supreme Court judgment of 2018 in the Asia Bibi case gives useful insights to further improve the legal and administrative measures relating to application of the Blasphemy Law.

- (c) No information provided.
- (d) Rights and interests of minorities are protected in Pakistan. Discrimination on the basis of ethnic diversity is not a prevalent phenomenon in Pakistani society. The State party referred to constitutional guarantees to protect the rights of minorities and legislative measures and policies that translated the constitutional principles into State action. It also referred to provisions of the Penal Code on human rights violations against minorities; the Police Order 2002, chapter II, which contained provisions to ensure protection of the rights of vulnerable sections of society; and provisions on electronic media.

- (e) In May 2019, the Federal Cabinet approved a uniform curriculum for all educational institutions in the country, which include 30,000 madrasahs (religious seminaries). In February 2018, human rights and tolerance was approved as a separate subject in the BA/BSc compulsory course of Pakistan Studies/Islamic Studies with effect from the academic year beginning in 2018.

The Public Awareness Campaign on Human Rights Education and Sensitization was initiated under the Action Plan for Human Rights, of 2016, with seminars as well as advertisements in the print and electronic media. The campaign is targeted at the general public, civil society, researchers, academia, students, government officials and different segments of society. The National Action Plan provided for steps to counter hate speech and extremist material, effective measures against religious persecution, the registration and regulation of madrasahs, and banning the glorification of terrorism and terrorist organizations through the print and electronic media. In this regard, 1,373 cases regarding hate speech or the publishing of hate material have been registered.

- (f) The Supreme Court of Pakistan, in its landmark judgment of 19 June 2014 resulting from *suo motu* proceedings under article 184(3) of the Constitution initiated on the basis of a letter received from a non-governmental organization regarding an attack on a church in Peshawar, clarified that desecration of places of worship of minorities is also an offence under that section.

Information from non-governmental organizations

Centre for Social Justice

- (a) Measures to prevent the misuse and abuse of blasphemy laws are being considered. However no concrete measures have been introduced, and nor has the effectiveness of the measures under consideration been assessed in concrete terms. The safeguards introduced to prevent abusive use of blasphemy laws are insufficient. The investigation by the Superintendent of Police is seldom carried out in practice.
- (b) In February 2017, Parliament passed an amendment that increased the punishment from six months to five to seven years for levelling false charges. The amendment proved ineffective and failed to address the abusive use of the blasphemy laws, as has been seen in several cases since the new law came into force.
- (c) At least 75 persons have been extrajudicially killed in connection with alleged blasphemy, up until 2017, with impunity. Others have been detained, often in solitary confinement.
- (d) The implementation process of actions specifically dealing with hatred and religious

persecution has been relatively poor and requires improvement. Government action under the Sound System (Regulation) Act enforced in provinces and federal territories in 2015 has lost impetus.

- (e) The federal Government and the government of Punjab passed laws that made teaching of the Qur'an compulsory for students from class 1 to class 12 in public schools, at the primary and secondary levels. However, students from religious minorities have been given alternatives to study their religion. The State party has pledged to regulate religious seminaries. However, there has been weak progress, particularly in the implementation of the National Action Plan.
- (f) There has been very little progress in the implementation of the Supreme Court judgment of 19 June 2014. The most important measures ordered by the Court have not been implemented by the federal Government and the provincial governments, namely the establishment of a national council for minorities.

Committee's evaluation

[C](a), (b), (c), (d) and (f): The Committee notes the measures taken to identify the flaws and misuse of the Blasphemy Law, but requires information on when and to what degree stakeholders were consulted and on the conclusions reached through the consultation process. The Committee also requires information on concrete measures to repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant since the adoption of the Committee's concluding observations.

The Committee notes the information provided by the State party, but regrets the lack of information on measures taken since the adoption of the Committee's concluding observations. In this respect, the Committee requires information on the implementation of the legislative amendment of 2017 that increased the punishment from six months to five to seven years for levelling false charges. It also requires information on measures taken to ensure that all those who incite or engage in violence against others on the basis of allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished.

The Committee notes with concern allegations that 75 persons have been killed with impunity following allegations of blasphemy, and requires information in this respect. The Committee regrets that no information was provided on measures taken to ensure adequate protection of judges, prosecutors, lawyers and witnesses involved in blasphemy cases. The Committee reiterates its requests for information and reiterates its recommendation.

The Committee notes the information provided by the State party, but regrets the lack of

information on measures taken since the adoption of the concluding observations. The Committee requires information on measures taken to ensure that cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished. The Committee requires information on the number of investigations, prosecutions and convictions as well as on the sentences imposed on perpetrators, in the last three years.

The Committee regrets the lack of specific information on the implementation of the Supreme Court judgment of 19 June 2014. The Committee reiterates its request for information and reiterates its recommendation.

[B](e): The Committee welcomes the adoption of a uniform curriculum for all educational institutions, including 30,000 madrasahs, and the inclusion of human rights and tolerance as a separate subject in the BA/BSc compulsory course of Pakistan Studies/Islamic Studies with effect from the academic year beginning in 2018. The Committee requires information on measures taken to review school textbooks with a view to removing all religiously biased content, and on whether the current uniform curriculum is applied in all madrasahs.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

