

Submitting Organization: South Asia Partnership-Pakistan

Stakeholders Joint Submission for Pakistan's Review in Human Rights Council 14th Session October 2012

A Joint submission by South Asia Partnership-Pakistan, National Commission for Justice and Peace, Aurat Foundation, Sungi Development Foundation, War against Rape, Centre for Human Rights Eductaion, Women in Struggle for Empowerment, PODA, Muthida Labor Federation



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Introduction/ CSO Submission Process

1-This report is developed after consultation with the civil society actors including nongovernmental organizations, labour and bar representatives who were invited for the participation in national level consultation meetings. The organizations reviewed the implementing status of accepted recommendations during previous UPR by the State and the human rights situation on the ground.

State Institutions and Constitution

2-Pakistan is a parliamentary democracy and constitutionally the Prime Minister is the chief executive of the country; however reflected through several incidents the military commands an out of proportion authority in the affairs of the government and polices according to its whims. The banned outfits operating under new names or even with the same identity also challenged the writ of the government. Federal Shariat Court encroaches upon the legislative authority of parliament and powers and functioning of mainstream judiciary. The Federal Shariat Court ruled in 2010 that sections 11, 28 and 29 of the Protection of Women (Criminal Laws Amendment) Act of 2006 were unconstitutional for these provisions were against the Hudood Laws which highly discriminatory towards women. Pakistan's Constitution guarantees basic human rights and fundamental freedoms. A major shift in Pakistan's governance structure and system has taken place in the form of 18th Constitutional Amendment in 2010.

Human Rights Infrastructure

3- Recently, a law is passed to establish the National Commission on the Status of Women with financial and administrative powers aimed at promoting social, economic, political and legal rights of women. The federal ministry of human rights was established in 2008, its status was reduced in 2010, after the 18th Amendment that devolved the powers. The establishment of National Commission for Human Rights was pending till this report, despite progress about passage of law.

Scope of International Obligations¹

4-The present government ratified more human rights treaties during last four years. Pakistan is now party to seven core human rights treaties. Pakistan has not still signed and ratified International Convention for the Protection of All Persons from Enforced Disappearances, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Rome Statute and Optional Protocols to ICESCR, ICCPR, CAT, CRC², CEDAW and CRPD. Additional Protocols to Geneva Conventions are not ratified yet. The State has not withdrawn all reservations attached

¹ Working Group recommendation 27-28

² One, on the Rights of the Child on the Involvement of Children in armed conflict

to CEDAW and CAT. It has done very little to make domestic laws according to international treaties ratified.

Recommendation

Take steps to ratify and incorporate all core human rights treaties including optional protocols into domestic laws

Withdraw reservations attached to CEDAW, CAT and incorporate human rights treaties into domestic laws

Legislation

5-The 18th amendment³ had some human rights features;

- Ensure a fair trial and due process,
- Ensures the Right to Information,
- Free and compulsory education to all children of the age of 5 to 16 years recognized,
- Four seats for Non-Muslims in the Senate
- Under-representation of any class or area in the service of Pakistan may be redressed,
- Matters of appointment of Judges of the superior courts will be dealt by a Judicial Commission.

Protective legislation for women:

- Passed Domestic Violence (Prevention and Protection) Act 2012⁴,
- Law for establishing National Commission on the Status of Women⁵
- Acid Control and Acid Crime Prevention Act 2011
- The Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011⁶
- Protection against Harassment of Women at the Workplace Act 2010⁷
- The Criminal Law (Amendment) Act, 2012 to define sexual harassment and insult to modesty in the Penal Code and provide for enhanced punishment⁸
- 'The Women in Distress and Detention Fund (Amendment) Bill, 2011
- Amendments to Frontier Crimes Regulation and some political reforms in FATA⁹ in 2011 introduced.

³ http://www.na.gov.pk/uploads/documents/1302138356_934.pdf

⁴ The bill passed by Senate (Upper House) is extended only to federal areas. Moreover, it requires National Assembly (lower house of parliament) approval and Presidential endorsement before becoming a law.

⁵ http://www.na.gov.pk/uploads/documents/1326771180_834.pdf

⁶ http://www.na.gov.pk/uploads/documents/1321415693_161.pdf

⁷ http://www.na.gov.pk/uploads/documents/1300929288_550.pdf

⁸ http://www.na.gov.pk/uploads/documents/1300927775_931.pdf

⁹ Federally Administered Tribal Areas

Recommendations

Pakistan should ensure effective implementation of laws passed for the protection of all citizens especially women and children

Security of Citizens / right to life

6-The security of the citizens of Pakistan remained under constant threat during the period under review. Target killings, terrorist attacks, declared and undeclared military operations continued during the period causing human and social loss. The State was not effectively able to protect the right to life of its citizen. The largest city of the country, Karachi witnessed hundreds of target killings in 2010-11 of innocent citizens. The insurgency in Balochistan and military operations in KP, FATA included extra judicial killings of non combatants and personnel of security forces. The killings of people from Hazzara community could not be stopped.

Recommendations

Government of Pakistan should ensure citizens' right to life by taking necessary legislative and administrative steps to avoid loss of life during counter terrorism activities and through well defined policy to combat terrorism along with special task force to oversee this challenging assignment.

Freedom of Religion or Belief¹⁰

- 7-No legislation or any policy change was introduced during the period under review to check the statutory and de facto restrictions on freedom of religion. The Blasphemy Laws¹¹ were not repealed despite the continued massive abuse that is inherent in the laws themselves. At least 292 cases were registered under blasphemy laws, 18 persons were killed after with blasphemy accusations during review period. Religious minorities though just over 3% of population remained 50% of victims of blasphemy laws. The victims had to face lengthy trials and waiting periods for review appeals. At least nine others are awarded sentences which ranges from life imprisonment, 40 years term to 10 year term. Organized attacks against religious minorities e.g. in Gojra¹² Korian, Kasur and Sialkot area of province of Punjab causing massive loss of lives and properties. At least 116 Ahmadis were killed because of their faith during period under review. 86 Ahmadis were killed in two incidents on same day, May 28 2010, by attacking on their religious places in Lahore. Three Ahmadis were killed in September 2008 after a popular television channel declared that killing Ahmadis was permissible under Islamic norms.¹³

¹⁰ Working group recommendation 1

¹¹ Sections 295 B and C, Sections 298, A B and C – Pakistan Penal Code

¹² <http://archives.dawn.com/archives/35151>

¹³ HRCP (An NGO) Reports 2008-09-10

On January 29, 2011 over 5,000 people from various religious parties in Rawalpindi openly demanded ban on Ahmadis' preaching and worshipping in the area¹⁴. The incidents of expulsion and rustication of Ahmedi students from educational institutions are on the rise. The mosque loudspeakers were used openly to deliver hate speech against religious minorities. During the period under report at 524 persons were reported by the Lahore based press to have converted to Islam in upper Punjab alone. The trends against religious minorities such as hate speech, persecution through laws and biased treatment under biased education policies continued unchecked. The 18th amendment to the Constitution made non-Muslim ineligible for the office of Prime Minister¹⁵. Some cases exhibiting trends are being provided here.

- Asia Bibi, a Christian woman was awarded death sentence for committing blasphemy in year 2010. The Governor of the largest province, Mr. Salman Taseer who announced that he would try to get presidential pardon for Asia Bibi, was killed by his own security guard. Murdered Governor's son has been kidnapped. Asia Bibi is still languishing in jail.
- Two Yong Christian Brothers, Rashid Emmanuel and Sajid Emmanuel were shot dead on July 19, 2010 while in police custody as they came out of a court after a hearing. They were accused of committing blasphemy
- Mr. Shahbaz Bhatti, a federal minister for religious minorities was killed apparently on announcing considering changes in Blasphemy Laws. Police is not able to trace his killers till filing of this report.

Recommendations

Repeal or amend the blasphemy laws thoroughly and remove religious discrimination in the Constitution, laws and policies e.g. education, jail laws and media.

Take actions against the elements engaging in hate crimes against religious minorities.

¹⁴ <http://tribune.com.pk/story/331166/minority-concerns-human-rights-activists-criticise-intimidation-of-ahmadis-in-rawalpindi/>

¹⁵ Paragraph 29 (3)

Freedom of Expression¹⁶

8-Forty nine journalists were killed during the period under review making Pakistan the country with highest fatalities of journalists (20) in year 2010. Twelve journalists were killed in year 2011¹⁷. A number of journalists went public about the threats they received. They have also mentioned cell phone numbers of the callers but little was done to identify and prosecute the culprits. Over 70 journalists killed in Pakistan in the last decade whereas the perpetrators were brought to justice in only one case¹⁸. The government tried to curtail freedom of expression by issuing various ordinances and regulations. Pakistan Federal Union of Journalists rejected the proposed “Journalists Protection and Welfare Act, 2011”¹⁹ that forced journalists to disclose source of a news item/information. Prevention of Electronic Crimes, Ordinance (PECO) 2009²⁰ covers 18 offences carrying severe punishments including life imprisonment and death penalty.

Recommendations

Investigate all cases of violence against journalists and prosecute the elements responsible for such acts,

Provide journalist complete security especially in conflict zones,

Take serious action on complaints of threats to journalists and initiate prompt inquiry,

Repeal the laws restricting freedom of information

Religious and Caste-based Discrimination²¹

9-There is no segregated data available regarding poverty, literacy, employment, food, security, social security for most vulnerable groups e.g. scheduled castes, women and minorities, leaving the room for disputed figures²² and complaints about accuracy and proficiency of the official statistics.

A recent study conducted on the minority women by an NGO²³ showed that there was a higher ratio of illiteracy and infant mortality among Christian and Hindu the two major minority

¹⁶ Working Group recommendation 21-23

¹⁷ <http://www.dawn.com/2011/12/31/2011-saw-12-journalists-killed-in-pakistan-2.html>

¹⁸ http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=10_01_2012_002_003

¹⁹ <http://www.senate.gov.pk/Legis%20Br/bill/Private%20Bills/journalist.pdf>

²⁰ http://www.na.gov.pk/uploads/documents/1302739058_910.pdf

²¹ Working Group recommendation 31

²² 1998 Census data

²³ <http://www.ncjppk.org/life.pdf>

groups. At least 43% of the 1000 women interviewed had faced religious discrimination; at work place, neighborhoods and state run educational institutions whereas 70% of working women had suffered sexual harassment²⁴.

The minorities and scheduled castes face forced conversions, discrimination in employment opportunities and repercussions of not having proper family laws. Incidents of killings of Hindus²⁵ were reported regularly however without a policy response from the government. The police and other law enforcement agencies showed lethargy when it comes to minorities. No specific measure were taken to check forced conversions of members of schedule cast which are mostly young and minor girls.

The recently constituted Commission on Minority Rights is non-statutory thus toothless. Its roles, responsibilities, powers and authority is not known. A codified Hindu personal law was not passed despite demands from the community. The minorities faced problems in matters of marriage, divorce; inheritance, etc. moreover, married women experience difficulties in getting passports. The scheduled castes especially a majority of women members do not have national identity cards which deprives them of certain rights including right to vote. Five percent quota in all Federal and Provincial Government's Jobs for Minorities allocated by a notification in 2009 without an implementation mechanism thus its application is uncertain.

Recommendations

Adopt the bills regarding Hindus and Christians Personal laws, with due consultation

Ensure representation of scheduled casts in all legislative institutions, jobs and other opportunities,

Ensure issuance of national identity cards to women belonging to scheduled cast

Investigate and prosecute incidents of forced conversions,

Women Rights²⁶

10-The women have been victim of increasing violence including sexual and domestic, acid throwing, killings and rape. According to incidents reported and registered at different forums (police stations, courts and complaint cells), there was a 13 percent

²⁴ Jennifer and Jacob, Life on the Margins, NCJP study on the minority women in Pakistan 2012

²⁵ Three men belonging to Hindu community in Shikarpur were killed in 2011 despite the fact that local police had been informed about the life threats to victims.

²⁶ Working Group recommendations 2-3-4-5-6-7-8-17

increase in crimes against women since 2008²⁷. More than 2000 women were killed in the name of honour from 2008 to the end of 2010. During first nine months of 2011, 675 women were murdered for supposedly besmirching their family's honour. Of these 71 were below the age of 18, around 450 were killed after being accused of "illicit relationships" and 129 for marrying without the prior consent of their families²⁸. The actual numbers may be more since many cases go unreported. The law on 'honour' killings is totally ineffective because law still has the *Qisas* and *Diyat (blood money and pardon)* provisions. In Pakistan, one woman dies in every 20 minutes during childbirth and the major cause is child marriage. Pakistani law following the *Sharia Law*²⁹ gives a woman lesser share than a man inherits.

Many proposed legislations were pending, some since 2008 and related to crimes of child marriages, citizenship rights, dowry deaths, family laws, women prisoners with children, rehabilitation of victims of domestic violence, reproductive health, women honours and trafficking. The required structures in relation to 'Protection against the Harassment of the women at the Workplace Act, 2010 was not created except for creating federal Ombudsperson. The Gender Reforms Action Plan (GRAP) was closed in June 2010 at the Federal level. The ministry of women development was devolved to provinces after 18th constitutional amendment; however all provinces had not yet established institutions concerning protection of women.

11- Although the Supreme Court of Pakistan on 27 May 2011 gave verdict against Jirga system and declared Jirga³⁰ activities illegal and contempt of court yet these informal and illegal bodies continued to operate with impunity.

12- There hardly exists any special mechanism which provides redress or protections to the victims of domestic violence. In the absence of any specific law³¹ the perpetrators often go unpunished. The government had not devised any strategy and comprehensive plan in this regard. The level of public awareness about the laws is very low in Pakistan. The police, judicial officers, prison staff, medical practitioners and media person are not trained and are unequipped to deal with the victims of sexual assault and other forms of violence against women. There is hardly any improvement in support structures such as shelters and burn units for women.

Recommendations

²⁷ http://epaper.dawn.com/~epaper/DetailImage.php?StoryImage=15_01_2012_004_005

²⁸ HRCP (Human Rights Commission of Pakistan) Reports 2008-09-10, 11

²⁹ Islamic Laws

³⁰ A council of elders

³¹ A Law recently passed extended only to Federal Capital territory. The provinces are required to adopt legislation

Adopt domestic violence law applicable to whole of Pakistan and other pending legislations for protection of women rights,

Establish burn units for treatment of women victims at district level,

Broaden the definition of sexual violence in Pakistan's statute. Rape is not the only form of sexual abuse perpetrated against women & children,

Address gaps & biases in legal medical textbooks and police training curriculum for the advancement of a gender-sensitive & rights-based approach,

Use educational curricula to change customary discrimination & stereotyping against women and train officials especially of law enforcement agencies and Prison staff on gender-sensitivity and equality.

Child Rights³²

13-

- Section 89 of the Pakistan Penal Code allows corporal punishment
- Punjab³³ government directive to ban inspection of industrial units has made it difficult to detect child labor or to take measures for eliminating the practice.
- The enactment introduced in year 2000, Juvenile Justice Order, is still not being implemented. The juvenile courts are not established. The minors are kept with adult accused and convicts.
- The Charter of Child Rights Bill, the National Commission on the Rights of Child Bill 2009, The Prohibition of Corporal Punishment Bill, 2010 Children Marriage (Amendment) Act, 1929, and the Children Protection (Criminal Laws Amendment) Bill are waiting for adoption at different stages of legislation process.
- The 18th Constitutional Amendment in 2010 recognized free and compulsory education as a right for all children between 5 to 16 years of age. However, necessary financial resources are not allocated to achieve this task thus high ratio of illiterate and school dropouts.

According to Edhi Foundation³⁴ in 2008 the discarded bodies of 890 infants were recovered, the number increased to 999 in 2009, in 2010 it rose to 1,210, and 70 bodies of dead infants were found in Karachi alone in first two months of 2011. 99% of these infants were girls³⁵.

Recommendations

Adopt the pending laws for protection of child rights

³² Recommendations 11-12

³³ The most populated province

³⁴ A leading charitable NGO in Pakistan

³⁵ <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=97252&Cat=9>

Ensure strict implementation of laws, rules and regulations banning child labour

Allocate financial resources in education sector corresponding to government's claims, obligations and announcements,

Federally Administered Tribal Areas³⁶

14- Pakistani law does not have a jurisdiction over FATA³⁷, these areas are rather governed by the Frontier Crimes Regulation (FCR). Resultantly, the residents here do not enjoy basic human rights guaranteed in the constitution. The amendments introduced in FCR³⁸ in 2011 still do not meet international human rights standards. The limited powers extended to FCR Tribunal are less than those exercised by the High Courts and the members of the tribunal could be removed by the governor. The recently adopted laws to protect women's rights are also not applicable in FATA. The amendments³⁹ to the Frontier Crimes Regulation in 2011 provide detained people the right to get bail and file appeals at appellate Tribunal on action taken against them. The political parties can now initiate their activities in FATA. Women, children below 16 years and men aged above 65 cannot be arrested or detained under the collective responsibility clause. KP government announced Child Protection Policy for FATA⁴⁰.

Recommendations

Extend the Constitution and laws for human rights protection to these areas

Abuses by National Security Forces⁴¹

- **15-**There is no credible data available about the abuses by national security forces partly because of curbs on media in certain areas. However, according to national and international human rights organizations there were allegations of human rights violations against security forces during military operations in Balochistan and parts of Kyber Pakhtunkwa. No incidence of taking any legal action or punishing any member of security forces engaged in operation areas has been reported. National security forces enjoy almost complete impunity. However, two incidents of killings by security forces in Balochistan and Karachi caught the attention of authorities. Five foreigners including two women were killed on May 17, 2011 in the Kharotabad area of Balochistan by police and FC (Frontier Constabulary) personnel suspecting them terrorists. The findings revealed that the foreigners were not armed and that security forces did not have any reason to open fire at them. No action was taken against FC personnel; however, two

³⁶ Working Group recommendation 13

³⁷ Federally Administered Tribal Areas

³⁸ Frontier Crimes Regulation

³⁹ <http://www.dawn.com/2011/08/13/major-changes-made-in-fcr-fata-people-get-political-rights.html>

⁴⁰ Federally Administered Tribal Areas

⁴¹ Working Group recommendation 18

low rank police officials were suspended from their job. The police surgeon which prepared medical reports of this incident was killed in December 2011 by unknown assailants.

A 22-year-old boy, Sarfraz was gunned down by the Rangers on June 08, 2011 in an alleged 'encounter'⁴². Footages aired on news channels showed the unarmed youngster had been shot from a very close range by one of six Rangers personnel gathered around him when he was pleading for mercy. A case was registered against the accused on the order of Supreme Court. The Anti-Terrorism Court sentenced a Rangers constable to death and five other personnel and a civilian to life imprisonment.

Four civilian facing a court martial under the Army Act on charges of attacking the Army headquarter and ISI office have been died in mysterious circumstances during last six months. Their bodies were recovered from the Lady Reading Hospital in Peshawar⁴³. Security forces routinely violate basic rights in the course of counterterrorism operations. Suspects are frequently detained without charge or are convicted without a fair trial. Thousands of suspected members of al-Qaeda, Taliban, and other armed groups—who were rounded up in a country-wide crackdown that began in 2009 in Swat and the Federally Administered Tribal Areas— remain in illegal military detention; few have been prosecuted or produced before the courts. The army continues to deny lawyers, relatives, independent monitors, and humanitarian agency staff access to persons detained in the course of military operations⁴⁴.

Recommendations

Provide data about the human loss in the areas where military operations are undertaken

Investigate and prosecute the reported cases of abuses by security forces

Provide the suspects right to fair trial

Human Rights Defenders⁴⁵

16- There were many incidents of attacks on staff members of NGOs working for human rights and development, journalist and lawyers in course of their duty. The government had failed to provide safe and enabling environment for human right defenders who continued to be the victims of harassment, killings and abductions. The tortured bodies of an abducted human rights defender, Siddique Eido, and his friend Yousuf Langho

⁴² <http://dawn.com/2011/06/09/man-dies-in-point-blank-shooting-by-rangers/>

⁴³ http://epaper.dawn.com/~epaper/DetailNews.php?StoryText=21_01_2012_001_003

⁴⁴ World Report -2012 by Human Rights Watch

⁴⁵ Working Group recommendation 19-22

were found on April 28, 2011. Siddique was also the district coordinator of HRCP⁴⁶. According to the Commission Siddique Eido and Yousuf were abducted by men in security forces uniforms on December 21, 2010 in the presence of several policemen, but despite such clear evidence no action was taken to publicly identify or prosecute his abductors and secure his release.

A prominent human rights activist from FATA, Zarteef Khan Afridi was killed by some gunmen on December 08, 2011. No arrest has been made till filing of this report.

On March 1, 2011 another human rights defender, Naeem Sabir from the same province, Balochistan was shot and killed. His killers remain at large. Naeem was also assisting HRCP compiling information on enforced disappearances.

Incidents of target killing and kidnapping for ransom forced international humanitarian NGOs to curtail their activities especially in FATA, Balochistan and Khyber Pakhtunkhwa. The human rights activists often received threatening calls and visits from personnel of intelligence agencies.

Recommendations

Ensure security of human rights defenders

Make culprits accountable in the cases of killings and abductions of HRDs and,

Frame a human rights policy facilitating the work of human rights defenders

Cooperation with UN Human Rights Mechanisms⁴⁷

17- There are pending requests with many reminders from several mandate holders. Last visit of any special procedure to Pakistan was conducted in September 1999. Pakistan has not issued standing invitation to any special procedures and did not respond to repeated requests.

Recommendations

Extend invitations to pending requests from special procedures

Consider issuing standing invitation to special procedures

Right to Education⁴⁸

18- Pakistan has not yet ratified the optional protocol to ICESCR. There is no sign of any progressive realization of ESC rights in the country. The education sector did not show any improvement during period under review. The budgetary allocation at Federal level

⁴⁶ Human Rights Commission of Pakistan

⁴⁷ Working Group recommendation 30

⁴⁸ Working Group recommendation 36

remained low hovering around 2 percent of GDP. Public Expenditure on Education as percentage to GDP shows persistent declining trend⁴⁹. Pakistan stands second in global ranking of out-of-school children with 57.3 per cent children in the 3-5 age group not enrolled in any school in the rural areas and 65.5 per cent mothers being in the illiterate category⁵⁰. The government announced National Education Policy in 2009, however the budgetary allocations does not correspond to the promises made. The curricula for schools and colleges are ideologically loaded with so-called religious material laden with biases and the education policy carrying religion discrimination⁵¹.

Recommendations

Increase progressively the financial resources for educational sector

Conduct gender review of the education system and spending

Remove from school curricula material instigating discrimination and hatred towards religious minorities

Right to Health⁵²

19- In 2012 more than 150 heart patients, mostly in the public hospitals in the city of Lahore died due to use of a contaminated medicine. This criminal negligence took many precious lives besides shaking people's trust in regulatory mechanisms and quality control in pharmaceutical manufacturing and distribution. In 2011 hundreds of people died due to dengue fever. The government and health authorities have not developed any plan to eradicate epidemics.

Total public sector expenditure on health, for both the federal as well as provincial governments combined, in the current fiscal year (2010-11) was only 0.23 percent of GDP which is amongst the lowest of all other countries at a similar income level. In financial year 2009-10 it was 0.54 percent of GDP, and in 2008-09 it was 0.57 of GDP⁵³. 170 new cases of polio were reported in 2011⁵⁴. Tuberculosis, HIV/Aids and Hepatitis B and C are increasing alarmingly. In the South Asian region the under-5 mortality per thousand is the highest in Pakistan i.e. 90. One woman dies every 20 minutes during childbirth and the major cause of the high maternal mortality ratio 276 per 100,000 live births is child marriage.⁵⁵ Pakistan has the highest rate of breast cancer all over Asia due

⁴⁹ Economic survey of Pakistan 2011 <http://www.onepakistan.com/finance/budget/files/2011/10-Education.pdf>

⁵⁰ http://epaper.dawn.com/~epaper/print-textview.php?StoryImage=14_02_2012_014_009

⁵¹ Saleem and Nayyar, the subtle subversion, <http://www.uvm.edu/~envprog/madrassah/TextbooksinPakistan.pdf>

⁵² Working Group recommendation 33

⁵³ Economic survey of Pakistan 2011 <http://www.onepakistan.com/finance/budget/files/2011/10-Education.pdf>

⁵⁴ <http://www.dawn.com/2012/01/06/focus-on-immunisation.html>

⁵⁵ http://epaper.dawn.com/~epaper/DetaillImage.php?StoryImage=19_01_2012_153_003

to which every year 40,000 women die⁵⁶. The heavy floods in 2010 caused a serious blow to already scarce health facilities as 515 health facilities (5.3 percent) out of a total of 9,271 health facilities across the country were damaged or destroyed. In 2008 too, no female doctors were available in FATA hospitals, which was a crucial problem for women in the area as many of them refused or were prevented from seeing a male doctor⁵⁷. The National Nutrition Survey⁵⁸ (NNS) 2011 says, at the national level, 58 per cent of households are food insecure being women and children are among the largest numbers. Only 32 percent have access to piped water.

Recommendations

Establish a mechanism of control on supplies and testing of drugs

Ensure progressive realization of right to health by increasing spending at least by 5% of GDP in this sector

Health, Education and Sanitation Facilities to Women in Rural Areas⁵⁹

20- The rural population especially the women do not have access to health facilities, clean water and sanitation. The state has neither taken any effective measures to provide health services to women in rural areas nor made sex-segregated data available in most of the cases. Since the 66 percent of population lives in rural areas and around half of it consists of women, the women are main sufferers in this situation. According to a survey⁶⁰ only 32 percent have access to piped water. 64pc mothers were illiterate, while 10.1pc did complete their school education. About 34.9pc of the urban mothers were illiterate in comparison to 85.4 pc mothers in the rural areas. The overall literacy rate (age 10 years and above) is 57.7 percent (69.5 percent for male and 45.2 percent for female) compared to 57.4 percent (69.3 percent for male and 44.7 percent for female) for 2008-09. The data shows that literacy remains higher in urban areas (73.2 percent) than in rural areas (49.2 percent), and is more prevalent for men (80.2 percent) compared to women (65.5 percent) in rural areas.

Recommendations

Undertake comprehensive gender review of development planning in rural areas

Increase budget allocations for rural population prioritizing the needs of women and girls

⁵⁶ http://epaper.dawn.com/~epaper/DetailNews.php?StoryText=10_01_2012_004_004

⁵⁷ HRCP Report-2010 <http://www.hrcp-web.org/Publications/AR2010.pdf>

⁵⁸ <http://tribune.com.pk/story/254714/national-nutrition-survey-2011-food-insecurity-affecting-60-of-women-and-children/>

⁵⁹ Working Group recommendation 34

⁶⁰ National Nutritional Survey 2011

Labor Sector⁶¹

21- The three out of four provinces passed their own Industrial Relations Act. The labor unions have rejected these laws describing them anti-labor and short of minimum international standards of ILO. The Punjab government restricted the right to unionization by raising the minimum number of workers to 50 to form a union in any industry. The inspection of industrial labour concerns has been practically abandoned. The same Act gives the powers to management to declare any union as Collective Bargaining Agent during the interim period, i.e. between holding of referendum and formal notification of the result. The Federal government reissued the 2008 Industrial Relations Act in December 2011. Finance Bill is a hidden tool of legislation under which labor related laws are amended. According to a survey in HATTAR industrial zone of KP province reveals that provisions regarding minimum wages, equal pay for equal work, working hours, social security benefits, leave especially maternity, compensation in case of death and injury are disregarded. The workers in ‘informal’ sectors e.g. agriculture, home-based, small industry, brick kiln, lacked protection of law and policy for their rights. They are out of any social security regime as they fall outside the definition of ‘worker’.

Recommendations

Align the labour legislations by the provinces with ILO standards

Ensure the implementation of minimum wages rule

Extend social security benefits to farmers, farm workers and other rural workers

Legislate for the protection of rights of home based workers

Human Rights of Internally Displaced Persons⁶²

22- Pakistan has had a large number of IDPs in recent years for multiple reasons including earthquake, floods, military operations and threats from state and non-state actors. The government failed; to develop any policy to deal with the problems of IDPs or take concrete measures in response to the situation and protection of human rights of affected population. The government did not allocate necessary budgetary support according to its obligation towards IDPs. An NGO “People’s Accountability Commission on Floods (PACF)” stated that more than 1.3 million displaced persons in eight highly flooded and rain affected districts of Sindh were passing their days in a worst human

⁶¹ Working Group recommendation 37

⁶² Working Group recommendation 38

conditions, prone to all kinds of natural and social afflictions. The relief services were stopped by the government on Dec 31 2011. The report found that emergency shelters had been provided to 27 per cent of the flood-affected people⁶³. People displaced by the floods in Balochistan “received little assistance from humanitarian organizations due to limited access to the area”. Moreover, the registration process of the IDPs by government excludes a considerable number of people affected by conflicts and natural disasters. The condition of having computerised national identity card for registration kept a large number of people especially women without relief as they did not have these cards. Secondly the IDPs living outside the camps are also not registered and therefore were deprived of any relief and rehabilitation by the government.

Recommendations

Rehabilitate IDPs in their respective areas by extending grants and soft loans

Ensure revival of their livelihood sources

Intensify the relief work for flood affected people

Ensure security of women and children living in IDPs camps

Follow-Up to Universal Periodic Review Process⁶⁴

23-There are no serious efforts on the part of government to involve the civil society in the follow up process. No arrangements were made for translating and disseminating the outcome document. The only consultation meeting held by government was not truly representative of civil society. There are no signs of integrating gender perspective to follow up process to UPR. The government failed to take initiative in this regard.

Recommendations

Start wider consultation with civil society organizations and Follow-Up process to UPR

Provide updated information on implementing status of recommendations accepted during last UPR

Arrange translation in national language and wider dissemination of recommendations by UPR working group

Pledges and Commitments Intentions/Claims

⁶³ www.dawn.com/.../rain-hit-people-living-in-miserable-condition-rep

⁶⁴ Working Group recommendation 39

24-Pakistan's claims during its review⁶⁵ in 2008 regarding the incorporation of core Human Rights Education Curriculum in different subjects at school is yet to be materialized. Pakistan did not introduce any meaningful reforms in *Madrassahs*⁶⁶. Regarding the gender issue⁶⁷, Pakistan while explaining its priorities stated that a national employment policy for women would be enunciated and legal and administrative measures would be taken to curb domestic violence. However, any such policy is yet not in place. A program of building 1 million houses⁶⁸ where the female members of the household will be given ownership of the house is not achieved yet. Pakistan has still not acceded to the International Convention for the Protection of All Persons from Enforced Disappearances, while a commitment was made in this respect⁶⁹. Pakistan's record regarding pledges made while presenting its candidature to HRC in 2006 and 2008 was encouraging regarding ratification of international human rights treaties. Pakistan ratified four core human rights treaties since its last UPR. Some national laws are also introduced for the protection of women rights. The law⁷⁰ for the establishment of National Human Rights Commission was overdue.

Recommendations

Incorporate the human rights education curriculum in educational institutions

Fulfill the voluntary pledges and commitments made during last UPR

Treaty Monitoring Bodies

25-Pakistan was not able to submit periodic reports on time. Only two reports on CERD and CRC were submitted and reviewed in 2009⁷¹. The ministry of human rights did not submit the information about the implementing status of concluding observations forwarded by Committees on CERD and CRC.

Recommendations

Ensure timely submission of initial and periodic reports

Provide required information on concluding observations by committees on CERD and CRC to Committees and civil society organizations

⁶⁵ Para 6 & 8 of Report of the Working Group on the Universal Periodic Review

⁶⁶ Charitable schools for religious education only

⁶⁷ (Para 10) of Report of the Working Group on the Universal Periodic Review

⁶⁸ (Para 102) of Report of the Working Group on the Universal Periodic Review

⁶⁹ (Para 104) of Report of the Working Group on the Universal Periodic Review

⁷⁰ Requires Senate approval

⁷¹ CRC third and fourth combined periodic report and CERD 15th to 20th combined periodic report, over due for 10 years

Data of Population⁷²

26-The National Population Census is overdue since 2008. The members of minority and vulnerable communities dispute the figures of last census⁷³ and complain that their population is not accurately reflected in the official statistics. Groups such as the Buddhists, Sikhs, Bahais, Zoroastrians, as well as the Kalash, are not counted separately but grouped together as 'others'.⁷⁴.

Recommendations

Make arrangements of true reflection of ethnic composition of population

Remove concerns of ethnic minorities on the figures of non-Muslim population by providing segregated data of sexes, ethnicities and religions in Pakistan.

Application of national laws to FATA and KP⁷⁵

27-Pakistani constitution and laws particularly related to fundamental human rights do not extend to FATA⁷⁶ and Malakand division of KP⁷⁷ therefore people in these areas can not enjoy their fundamental and internationally recognized human rights because of the FCR in FATA and Nizam-e-Adl Regulation in Malakand. Regrettably, the recently passed laws for the protection of women rights are also not applicable in these areas (See also Paragraph 14).

Recommendations

Extend the jurisdiction of the High Court and Supreme Court to the FATA, abolish Nizam-e-Adl regulations

Ensure the provision of human rights and fundamental freedoms particularly in relation to right to fair trial and detentions in the area

Acts of Violence in Balochistan⁷⁸

28-The situation in Balochistan is volatile. There have been incidents of forced disappearances, target and mass killings. Bullet-ridden and mutilated bodies of Baloch citizens are found on regular basis. The unrest among Baloch youth was rising, who increasingly resorted to armed and violent means to vent their anger against military and the State machinery. The Taliban linked groups attacked non-combatant members

⁷² CERD Committee concluding observation 8

⁷³ 1998

⁷⁴ <http://www.hrcp-web.org/pdf/Life%20at%20risk.pdf>

⁷⁵ CERD Committee concluding observation 9

⁷⁶ Federally Administered Tribal Areas

⁷⁷ Khyber Pakhtunkwa, formerly NWFP-North West Frontier Province

⁷⁸ CERD Committee concluding observation 16

of ethnic and linguistic minorities such as Shias, Hindus, Punjabis, Pakhtoons, Seriakis, and Hazaras⁷⁹ in Balochistan. The religious minority communities are at greater risk and were forced to migrate to other parts of the country and abroad. Human Rights Watch research indicates that at least 275 Shias, mostly of Hazara ethnicity, were killed in sectarian attacks in Balochistan alone since 2008⁸⁰.

Recommendations

Start immediately the negotiations with estranged elements for conflict resolution

Bring an end to forced disappearances

To investigate all the incidents of alleged violence of human rights by security forces

Ensure international standards regarding use of force in Balochistan

Ensure the security of non-Baloch population and killings of non-combatants

Non- Discrimination Legislation⁸¹

There is no such law adopted during period under review. The discrimination on above stated grounds still persists⁸².

Committee on the Convention on Rights of Children

The information is provided in introduction and paragraph 12, and 13 above.

⁷⁹ An ethnic community mostly belongs to Shia sect of Muslims

⁸⁰ See annexes 37

⁸¹ CERD Committee concluding observation 11-12

⁸² See paragraph 7 and 9 also