# **UNCT Mid-term Review of Pakistan’s UPR Submission**

January 2020

**Introduction:**

Following the UNCT UPR Submission in March 2017 - the UN Pakistan has undertaken a Mid-term review of the 3rd UPR Cycle. The Government of Pakistan has yet to submit its own UPR Mid-term review (the deadline was May 22nd, 2018). While the Government is in process of considering putting the process of Mid-term review in motion; this gives the UN Pakistan a window of opportunity to prepare its UPR Mid-term Review.

Pakistan’s 3rd cycle official UPR submission (2017) received a total of 289 recommendations - a substantial increase from its preceding UPR in 2012, where Pakistan received 167 recommendations. As many as 111 State delegations took the floor to make statements, and 14 States submitted their questions in advance.

This UNCT Mid-term Review submission has been prepared by the, Human Rights Task Force (HRTF), the UN Pakistan’s inter-agency human rights thematic group, overseen by the UNCT and led by the UN Resident Coordinator’s Office. This submission draws from and is anchored in the UNCT UPR Submission recommendations along with HRC recommendations corresponding to the Pakistan official UPR Submission.

This note has been prepared in the spirit of the government of Pakistan’s own commitment to protection, promotion and strengthening respect for human rights at the Human Rights Council, and its purpose is to demonstrate the United Nations system in Pakistan’s continued assistance, engagement and support of the government’s own human rights commitments and obligations.

Pakistan presented its candidature for membership to the Human Rights Council for the term 2018-2020, for which elections were held in October 2017, during the seventy-second session of the General Assembly in New York. In a note verbale dated 11 May 2017 from the Permanent Mission of Pakistan to the United Nations, addressed to the President of the General Assembly, the government of Pakistan iterated its deep commitment to the cause of universal human rights.

The note verbale ensured that, the government of “Pakistan looks forward to the continued support, confidence and trust of the international community in its endeavour to contribute to the promotion and protection of human rights worldwide, including through the work of the Human Rights Council.”

Critical to the preparation of this note has been the cognizance that Pakistan is a founding member of the Human Rights Council and previously served on it from 2006 to 2011 and from 2013 to 2015. And that, through its presence in the Council, Pakistan has vouched to endeavour to further its contribution to the collective efforts to help consolidate the global human rights agenda and to advance the promotion and protection of human rights at the national and international levels.

This Review has leveraged on the thematically developed template of UPR recommendations by the UN OHCHR, UNCT’s 2017 UPR Submission and responds to the UPR recommendations for Pakistan, in the light of UN system in Pakistan’s collective observations.

### **Theme: A12 Acceptance of international norms**

* 1. The UNCT encourages the Government of Pakistan to consider ratifying 1951 Convention relating to the Status of Refugee and its 1967 Protocol.

### The UNCT recommends that the Government of Pakistan ensures that refugee women, men, boys and girls continue to be able to live in Pakistan with complete protection of their fundamental human rights including their unhindered access to health, education, and livelihoods without discrimination until such time that their voluntary repatriation in safety and dignity will become possible. The UNCT will continue its advocacy and support to the Government of Pakistan as it continues promoting and protecting the rights of refugees.

### The UNCT encourages the Government of Pakistan to consider ratifying 1954 Convention related to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

### The UNCT reiterates its recommendation to the Government of Pakistan to ensure that all children, including children belonging to Bengali, Bihari and Rohingya populations, born on its territory, are registered at birth and that their birth is documented through issuance of Birth Certificates.

### The UNCT encourages the Government of Pakistan to consider positive measures to prevent statelessness by applying favorable interpretation of the Citizenship Laws and associated rules for the inclusion of Bengali, Bihari and Rohingya populations that may be at risk of statelessness.

### The UNCT recommends to the Government of Pakistan to ensure measures for regularization of the legal stay of those stateless persons who are currently without legal status in Pakistan and are unable to pursue naturalization.

### The UNCT encourages the Government of Pakistan to consider adopting legislative and policy measures to provide protection to stateless persons and those at risk of statelessness, including access to basic services, in particular the right to free movement, work, and health and education services.

### **Theme: A22 Cooperation with treaty bodies**

* 1. No Special Procedure has visited Pakistan since 2013. Moreover, Pakistan has answered only to 5 Communications from Special Procedures mandate holders out of the 29 received since January 2016. The UNCT recommends that Pakistan issues a Standing Invitation to the Special Procedures, which announce the Government’s intention to accept all Special Procedures visits requests. Moreover, the Government of Pakistan is late on some of its reporting obligations, including on the submission of:

1. he CRPD report, due on August 4th 2013;
2. the follow up report for the ICESCR Committee, due in December 2018;
3. follow up report for the CERD Committee; due in October 2017.
4. the follow up report for the CAT Committee, due in May 2018 and submitted on 31 May 2019
5. the follow up report for the Human Rights Committee due in July 2018, submitted on 16 May 2019.

Compliance with reporting mechanisms are an integral, non-negotiable component of the implementation of international human rights obligations by states. As such, all treaty parties are required to fulfil the timely submission of reports to the international treaty monitoring bodies. The UNCT encourage the Government of Pakistan to deliver on these pending submissions to the treaty monitoring bodies, and encourage them to commit to timely submission of future reporting obligations.

### **Theme: A41 Constitutional and legislative framework**

* 1. Although Pakistan adopted relevant federal laws, they can be implemented only in the Islamabad capital territory. Provincial governments need to mirror all human rights legislation, especially related to the protection of children, women and minority rights so they can be implemented throughout Pakistan.
  2. In the review period, [Pakistan’s National Assembly has passed ‘Enforcement of Women's Property Rights Act, 2019](http://www.na.gov.pk/uploads/documents/1556804994_790.pdf). For addressing gaps in existing pro women legislation passed by the parliament, The UNCT’s advocacy efforts are continued with collaboration of various relevant stakeholders such as WPC of NA as well as government bodies at provincial level (excluding Sindh where the minimum age is already 18years) to advocate for legislative reforms particularly on Child Marriage. The issue of child marriage needs attention and efforts at all levels. Thus, the UNCT and the WPC both have acknowledged the urgent need for consolidated and concerted action to curb child marriages in all parts of Pakistan through advocacy, awareness-raising and legislative reforms. Support being provided to provincial bodies (Women Development Departments, Commissions on the Status of Women, WPC-KP, and Gender Mainstreaming Committee Punjab) review, revise and draft pro-women laws.
  3. The quota for disabled people in governmental positions in KP has been increased from 2 to 4%. However, no information is available on the implementation of the quota. The Ministry of Human Rights has recently (January 2019) requested data on persons with disabilities to the Provinces for policy planning.
  4. TheNational Committee on Rehabilitation of person with Disabilities has proposed a Federal Bill wherein the UN’s implementing partner has been part of all the consultations, the bill is lately passed with the title, “ICT Rights of Persons with Disability Act, 2018”. The Disabilities Acts are approved in Balochistan and Sindh. The rules of business (RoB) for both the acts are still to be developed, advocacy on the RoB development is continued through relevant stakeholders. The National Committee on Rehabilitation of person with Disabilities has proposed a Federal Bill wherein the UNCT’s implementing partner has been part of all the consultations, the bill is lately passed with the title, “ICT Rights of Persons with Disability Act, 2018”.
  5. The decentralized form of government slows down the process, as federal initiatives have to be translated at the provincial level. However, the Ministry of Human Rights and its provincial departments have started the process of formulating policies and action plans. The UNCT will be closely monitoring progress, and recommends that the Government of Pakistan continues formulating these policies and action plans with priority as per Pakistan’s obligations under international human rights law.

### **Theme: A43 Human rights policies**

* 1. The National Action Plan for Human Rights 2016 has been translated into Provincial Human Rights Policies in Khyber Pakhtunkhwa and Punjab. Human Rights policies are being developed in Sindh and Balochistan. The UNCT will continue to monitor progress in the development of Human Rights policies in Sindh and Balochistan. The UNCT recommends that these policies are actioned and streamlined across governance in all provinces and that a reporting mechanism is established in order to enable monitoring and evaluation of the implementation of these Human Rights policies. Pakistan has adopted a Transgender Persons (Protection of Rights) Act in 2018. The drafting of rules is in process by the Ministry of Human Rights. A committee of the implementation of the mentioned Transgender Act has been formed. The UNCT encourage the Government of Pakistan to establish a monitoring and evaluation mechanism which obligates the committee to provide periodic reports articulating the progress of the enforcement of the Transgender Persons (Protection of Rights) Act.
  2. The UNCT recommends that the Government of Pakistan adopts its own national refugee legislation which will effectively address legal gaps in the area of refugee protection and human rights issues for this particularly vulnerable group. The UNCT also recommends that the Government of Pakistan, in line with its Agenda 2030 - SDG commitments, ensures that the interests of refugees, asylum seekers and stateless persons are mainstreamed into all national and provincial laws, policies and development plans, in particular with regards to access to basic services such as health, shelter, civil registration/documentation, education and the right to work.
  3. Pakistan also adopted the Climate Change Act in 2017 to further amplify climate action in the country, which would contribute to the fulfilment of obligations under the Paris Agreement, and National Action Plan for Human Rights, as it relates to rights based cross-cutting human rights issues. The UNCT recommends that the Government of Pakistan to effective implementation of the Act and periodically report on follow ups and commitments.
  4. The UNCT welcomes the approval of Transgender bills at Balochistan and Sindh. Efforts should be taken for the formulation and implementation of the plan of the bills in letter and spirit. This will help the Transgender community to protect and promote their social, legal, economic and cultural rights.

### **A44 Structure of the national human rights machinery**

* 1. Pakistan has until now lacked the capacity to report disaggregated human rights data against its international commitments (treaty bodies, SDGs…). For this reason, the Government of Pakistan pledged to improve its capacity to collect and present human rights data. Since 2016 and with the technical assistance of the UNCT, the KP Department of Law, Parliamentary Affairs and Human Rights is developing the KP Virtual Platform, a human rights data reporting platform. The KPVP was formally inaugurated on 14 May 2019. For now, the data encapsulates the 7 core human rights treaties, as well as data related to the SDGs and GSP+. An assessment in the three other provinces is being carried out with the aim of replicating the system. The MoHR, with the support of the UNCT, is also developing a system to consolidate the provincial data sets at the federal level (HRIMS). The MoHR and the UNCT are also developing indicators to be anchored in the KPVP to measure achievements in human rights. Stakeholder consultations on the development of human rights indicators in all Provinces are led by the Law, Parliamentary Affairs and Human Rights Department with the assistance of the UNCT. The UNCT welcomes the Government’s sustained engagement in this process and encourages it to ensure its enduring and progressively widening usage.
  2. The NCHR underwent a needs assessment carried out by the Asia Pacific Forum in 2017-18. This assessment underscored that the functioning NCHR does not yet reflects the Paris Principles. The assessment report lists 26 recommendations to be implemented for the NCHR to become a GANHRI grade A institution. The NCHR is currently reviewing its rules of business, administrative rules and financial rules, which have to be endorsed by the Ministry of Human Rights. It is recommended that the review of the mentioned rules reflects the Paris Principles as well as the recommendations which resulted from the Asia Pacific Forum needs assessment. It is also recommended not to delay further the appointment of new Commissioners, as the term of the first batch of NCHR Commissioners expired on the 24th of May 2019.
  3. The UNCTencourages government institutions to translate IEC material in local language and publicize on national media to raise awareness on Human Rights generally and women rights particularly, at mass level.
  4. The UNCT acknowledges that NCSW and its provincial chapters are functioning well despite having meagre budget. The NCSW is taking some excellent initiatives and collaborating with different stakeholders in raising awareness particularly on EVAWG and women political participation etc. The commission should be more empowered through allocating additional budgets and human resources.

### **Theme: A45 National Human Rights Institution (NHRI)**

* 1. The UNCT encourages the government of Pakistan to strengthen National Commission for Human Rights and ensure administrative and financial autonomy, so it can better fulfil its role and submit such reports to UN treaty bodies on human rights issues such as freedom of expression and safety of journalists, among other human rights violations.
  2. No Special Procedure has visited Pakistan since 2013. Moreover, Pakistan has answered only to 5 Communications from Special Procedures mandate holders out of the 29 received since January 2016. It is recommended that Pakistan issues a Standing Invitation to the Special Procedures, which announce the Government’s intention to accept all Special Procedures visits requests.
  3. While the UN’s special rapporteurs on right to freedom of opinion and expression have been requesting Pakistan to allow an observation visit, governments have not been responding to these requests positively. The UNCT urges the government to allow UN special rapporteur to observe developments on freedom of expression and access to information in Pakistan. This provides Pakistan the opportunity to demonstrate the significant developments in legislation on Access to Information.

### **Theme: A46 National Plans of Action on Human Rights (or specific areas)**

* 1. The National Action Plan for Human Rights (2016) has been translated into Provincial Human Rights policies in KP and Punjab, but not yet in Sindh and Balochistan (in process). The UNCT calls for effective implementation of the Provincial Human Rights Polices and follow up on development of Sindh and Balochistan Human Rights Policies.
  2. The UNCTreiterates its recommendation to the Government of Pakistan to ensure the implementation of National Action Plans of Human Rights in its true spirit, as the NAP’s strategy and its implementation drafts are prepared however, its rollout are yet to be materialized.
  3. The UNCT is providing technical as well as capacity building support to relevant institutions so that effective implementation on NAP can be assured and timely reports as per international commitments can be done by the government of Pakistan.
  4. The National Action Plan for Human Rights (2016) calls for inclusion of human right, peace and civic education in the curriculum of primary, secondary, higher secondary and higher education with particular focus on respect and promotion of interfaith dialogue and harmony. Efforts have been made at federal level to translate these recommendation into action. The federal Ministry has developed “Value Education Framework” as curriculum supplement in 2017. The framework inculcates values associated with respect for human rights such as Compassion and Care for others, Respect for diversity and Tolerance, Peace and social cohesion. The National Education Policy 2018, put emphasis on developing students’ skills and attitudes to make them able to live and work in diverse environment. The policy suggests on providing information about health, civic education, religious, ethnic, and social harmony, peace, tolerance, and human rights in the curriculum for different grades. The national policy guidelines have been taken into in account in formulation of national curriculum for different subjects from grade 1-10. Education being a devolved subject, curriculum is dealt at provincial level. The UNCT encourages coordinated efforts at Inter Provincial Minister conference (IPMC) level to ensure translation of policy guidelines lines in the provinces specific curriculum document and textbooks. Efforts are also needed to work with teachers training institutes and teachers to implement the intended curriculum to achieve the desired results.

### **Theme: A47 Good governance**

* 1. The UNCT recognizes the efforts of the Government of Pakistan in implementing measures to encourage tax submission, creating incentives to increase the number of citizens taxpayers.

### **Theme: A51 Human rights education**

### **9.1** In KP, campaigns on Human Rights awareness are being led by the regional directorate of the MoHR. The UNCT welcomes this step while highlighting its limited scale. The UNCT encourages the Provincial governments of Pakistan to provide a strong Human Rights education and awareness background to the relevant governmental official in all provinces. A special emphasis should be put on the efforts to mainstream human rights education among the newly appointed government personnel in the newly merged areas of Khyber Pakhtunkhwa.

### **Theme: A52 Human rights education - in schools**

### **10.1** In June 2019, Punjab included a chapter on the constitutional fundamental rights in the public high school textbooks. The UNCT welcome this step and recommends the Government of Pakistan as well as the Provincial Governments to implement similar steps throughout the country and promote public human rights education among children. A special emphasis should be put on the efforts to mainstream human rights education in the newly merged areas of Khyber Pakhtunkhwa.

### **10.2.** The UNCT encourages the application of the framework in provinces and sees it an opportunity for the government to introduce human rights education for school going children.

**10.3.** The module of Human Rights has been developed by the UN under its criminal justice programme and training is conducted for the law enforcement officials accordingly.

**10.4.** The UNCT encourages the application of the framework in provinces and sees it an opportunity for the government to introduce human rights education for school going children. However, there is a need to work with provinces to put these ideas into the practices as education has become a devolved subject after 18th amendment in the constitution.

### **Theme: A53 Professional training in human rights**

* 1. The curriculum developed for the law enforcement officials is in line with the human rights aspects and training is conducted to the law enforcement officials in line with the same.
  2. The UNCTis implementing trainings for law enforcement agency officials, lawyers and justice sector representatives on gender-based violence in order to build their knowledge on the laws as well as develop capacity for responding to survivors. A network of pro-bono lawyers will also be developed.
  3. The UNCT highly commends Pakistan’s commitment to adhere to the protection of human rights and its resolve to uphold them as reflected in its accession to the core human rights instruments. Being one of the largest refugee hosting countries, and given its long history of welcoming and protecting refugees, the UNCT recommends that Pakistan considers acceding to the 1951 Refugee Convention and its 1967 Protocol to further strengthen the refugee rights protection framework in the country and to internalize its decades-long work on rendering protection and identifying solutions for Afghan refugees. The UNCT is encouraged by the Government of Pakistan’s recent participation at the Regional Asia and Pacific Preparatory Meeting in the lead up to the 2019 High Level Segment on Statelessness to be held in Geneva in October this year. The UNCT also welcomed the PM’s statement for positive considerations of the conferral of citizenship to foreign children born on Pakistan’s territory. The UNCT encourages the Government of Pakistan to consider ratifying the 1954 and 1961 Statelessness Conventions and contribute to the UNHCR’s global #IBelong Campaign to end statelessness by 2024 and to enable reinforcement of its own legal framework regarding nationality and citizenship, from the aspect of the identification and prevention of statelessness.

### **Theme: B31 Equality & non-discrimination**

* 1. The UNCT encourages the Government of Pakistan to consider all necessary measures to promote inclusive electoral and legislative processes. The UNCT notably encourages the Government of Pakistan to foster the electoral registration and participation of vulnerable and marginalized groups (including women, transgenders, religious minorities, persons with disabilities etc), as well as reduce the gender gap in the electoral roll.
  2. The UNCT encourages the Government of Pakistan to promote women’s leadership in parliament, with the aim of increasing the share of women parliamentarians.
  3. The UNCT encourages the government of Pakistan to develop action plans for the protection of the culture and heritage of marginalized communities and take an inclusive approach for policy implementation. As proposed in the policy the government stands to benefit from ratifying the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
  4. Pakistan documented its transgender population for the first time in the 2017 census. The status of transgender in Pakistan is very low. They are deprived of their guarded rights. The ‘Transgender Persons Bill 2017’ has brought a ray of hope to the community. This bill is aimed at reducing many basic issues of the community. The UNCT has supported Social Welfare Department, Balochistan for formulating of Transgender Policy.
  5. The UNCT wishes to highlight that persons with disabilities are disproportionately affected by natural disasters, and special efforts need to be made to encapsulate their needs in view of natural calamities. The UNCT encourages the Ministry of Climate Change and other relevant organizations to consider specific prevention and protection measures targeting persons with disabilities.
  6. A project in collaboration with ILO and UNV has been initiated in KP and Sindh with the support of UNPRPD intending to empower women with disabilities. The project relies on the substantive participation of Disability Persons Organizations, their engagement as leaders and advocates for change, their capacity strengthening and through them capacity development and mentoring of government, media, private sector, service providers, and law enforcement bodies.
  7. The UNCT encourages the government of Pakistan to develop action plans for protection of the culture and heritage of marginalized communities and take an inclusive approach for policy implementation. As proposed in the policy the government stands to benefit from ratifying the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
  8. The UNCT recognizes and welcomes the efforts of the Government of Pakistan to address youth issues, and notably:
* The constitution of a National Youth Council to inform policies and plans of action aimed at the social and economic empowerment of young people. The council members represent diverse professional fields and ethnic/religious/gender (including a transgender) backgrounds. A similar advisory council has also been notified in Khyber Pakhtunkhwa.
* The steps taken to mainstream more than 3.5 million young people studying in 30,000 religious seminaries across Pakistan through the promotion of common curriculum, livelihood trainings, and facilitation in gaining employment.
* The launch of the Kamyab Jawan Programme.
  1. The UNCT highlights that there is no overarching framework to streamline the Government's youth empowerment initiatives across various sectors. The provincial youth policies remain dormant with limited practical progress towards the youth empowerment aspirations outlined in the policy documents. The UNCT recognizes and welcomes the Government of Pakistan’s initiative to develop a National Youth Development Framework in this regard.
  2. There is a need to develop institutionalized mechanisms for promoting the constructive social and political engagement of young people at all levels. The UNCT encourages the Government to take concrete steps to revive student unions and societies in colleges and universities. Furthermore, the UNCT recommends the establishment of youth friendly public spaces accessible to all irrespective of gender, religion, ethnicity, and/or political affiliation to promote healthy interaction, constructive dialogue, and collective action for community development.
  3. The UNCT highlights the vital need for young prisoners to be provided with skills training, psychological counselling, and community reintegration services to support their transformation into productive, responsible, and law-abiding citizens.
  4. Critical life skills modules should be institutionally adopted by educational institutions and technical and vocational training institutes to support the personal and professional development of young people. Furthermore, human rights education should be mainstreamed to promote values of tolerance, inclusivity, pluralism among youth.
  5. The UNCT recommends that sustainable and effective platforms to facilitate young people's inputs in policy and legislative actions are established. The Government should rely on a mix of traditional (internship programmes, dialogues etc.) and innovative (technology driven, social media etc.) approaches to bridge the gap between policy makers and their intended beneficiaries/audience (youth).
  6. UNCT: Since same-sex sexual acts are prohibited in Pakistan, and socially deemed contradictory to faith-based value system, therefore, it is highly unlikely for a person identifying as LGBTI, who has a well- founded fear of persecution from non-state actors because of their sexuality, to seek protection from the authorities. Furthermore, there is anecdotal information available to indicate extreme forms of stigma attached to gender variance and to being in a group with sexual orientation and gender identity (SOGI), contrary to the accepted norms.

The Pakistan Constitution provisions on a citizen’s fundamental rights does not mention sexual orientation or gender identity although certain provisions may impact the constitutional rights of LGBTI persons[[1]](#footnote-1). There are no laws prohibiting discrimination on the basis of sexual orientation. There is no legal recognition of same-sex civil unions or marriages, and same-sex couples cannot adopt children[[2]](#footnote-2).

In 2012, following a 2009 Supreme Court ruling, transgender persons were allowed to register as a third gender on their Computerized National Identity Cards (CNICs). The US Department of State’s human rights report for 2018 (USSD HR Report 2018) noted ‘[T]he ruling enabled transgender individuals to participate in elections, both as candidates and voters[[3]](#footnote-3). In 2018, the National Assembly passed the Transgender Persons (Protection of Rights) Bill, 2018, aimed at ensuring rights of transgender persons. The law allows transgender people to register to obtain a driver’s license and passport, as well as to change their gender in the national records. Discrimination and harassment of transgender persons is also prohibited under the law[[4]](#footnote-4).

During its 3rd cycle of the UPR carried out in November 2017, Pakistan received seven SOGIESC (sexual orientation, gender identity, gender expression and sex characteristics) recommendations. It accepted two of them, whilst noting (functionally rejecting) all remaining five. ‘The State accepted recommendations from Albania calling for Pakistan to “ensure that the 2017 law presently being reviewed on the recognition of the rights of intersex and transgender persons pays necessary attention to both women and men transgenders”; and from Spain, urging the State to “rapidly adopt and implement the two draft bills recently presented before the National Assembly to ensure the rights of transgender persons”.

However, it noted recommendations from Chile asking the State to “adopt legislative measures to decriminalize homosexuality and consensual sexual relations between people of the same sex”; and from Australia, France, Mexico and the Netherlands, calling the State to take measures to protect the LGBTIQ community from discrimination and violations to their human rights.’

The UNCTrecommends that the government of Pakistan continues its efforts to ensure protection, promotion and strengthening rights of all people in Pakistan irrespective of their sexual orientation and gender identity.

## **Theme: B41 Right to development**

* 1. The UNCT encourages the Government of Pakistan to raise awareness on environmental issues and priorities among the population, as well as to promote environmentally friendly habits and behaviours. In this regard, the UNCT recognizes the Government of Khyber Pakhtunkhwa’s initiatives to introduce measures to promote environment friendly procedures for clean environment.
  2. The UNCT welcomesthe Government of Pakistan’s initiative to launch the Clean and Green Pakistan campaign, which aims at increasing the forest cover in the country.

The UNCT also recognizes the progressive legislation in Pakistan on the monitoring of air, water and soil pollution.

However, the UNCT wishes to highlight that while this legislation is in place, its comprehensive and uniform implementation needs to be improved. Furthermore, the UNCT stresses that the current levels of air pollution in the major urban centres such as Lahore, Karachi (as well as many others) are significant and need to be addressed urgently.

In the long-run, the UNCT invites Pakistan to intensify its efforts to tackle pollution as major industrial projects are expected to be implemented under various initiatives – and most prominently under the CPEC.

## **Theme: B71 Human rights and the environment**

**14.1.** The UNCT highlights that the share of clean and renewable energy remains low (with the exception of hydropower) in Pakistan. The UNCT encourages the Government of Pakistan to promote investments in solar, wind and other types of clean energy – eventually improving the energy security of the country.

## **Theme: B8 Human rights & counter-terrorism**

**15.1.** Counter-terrorism operations have led to numerous reported human rights violations.

The trial of suspected terrorists by military courts is specifically criticized by civil society, in particular since a definition of the notion of terrorism remains to be adopted.

**15.2**. The application of the human rights safeguards in prisons remains marginal. The adoption in Punjab and Sindh of a digitalized system of prison management with the technical assistance of the UNCT is planned to systematize the application of some protective measures.

**15.3.** The UNCT welcomes the development and adoption of the Sindh Prisons and Correctional Facilities Act 2019 in Sindh, which proposes concrete measures to ensure the provision of basic services (health and education) and protection against torture to prisoners in the province.

**15.4.** The UNCThas been Implementing Prisons Management Information System, automation of prisons processes and record in Sindh and Punjab Provinces across all prisons and offices of Prisons Department which is contributing highly towards accountability, human rights, transparency and efficiency in the overall prisons systems.

**15.5.** The UNCT has been working on provision of free legal aid towards Under Trial Prisoners of Sindh in prisons which too is the best initiative towards human rights. Interagency cooperation strengthened to ensure real time information sharing and better cooperation for process monitoring.

**15.6.** The UNCTstrengthened People’s capacities and also strengthening institutional capacity to tackle trafficking and to assist and protect trafficking victims.

**15.7.** Newly enacted law of trafficking gives special focus on children and women, even punishments enhanced if victim is child or women. Protection and assistance to victims is also key element of these laws. Further to that, amendments to Criminal Procedure Code also introduced which abolish all forms of child exploitation. The UNCT calls for an effective and systemically monitored implementation of measures with regards to protection of vulnerable women and children and end to all forms of child exploitation.

## **Theme: D29 Domestic violence**

* 1. The Domestic Violence Bill of the Province of Khyber Pakhtunkhwa has been drafted and tabled but remains to be passed. The UNCT calls upon the Government of Khyber Pakhtunkhwa to consider the expeditious passing of the Domestic Violence Bill – especially in the wake of the recent FATA merger.
  2. The UNCTwelcomes the adoption of the women protection legislation such as Punjab Protection of Women Against Violence Act and Sindh Domestic Violence Act. The UNCT encourages the government to report on the progress made so far in the implementation of these laws. It urges the Government of Pakistan to support effective mechanisms for the criminalization of domestic violence as well as the provision of essential services to survivors of GBV. The UNCT also acknowledges that the KP Provincial assembly has approved the ‘Women’s Property Rights Act, 2019. Meantime, the UNCT reiterates that the proposed changes to the ‘Domestic Violence against Women (Prevention and Protection) Bill 2019’ should be approved.

## **Theme: D32 Enforced disappearances**

* 1. The establishment of a Commission of Inquiry on Enforced Disappearances is an important step toward addressing the issue of enforced disappearances. However, the matter remains of high concern as the enforced disappearances continue and have a deep and lasting impact for human rights defenders and journalists – and eventually impact the fulfilment of rights by everyone.
  2. According to reports, since 1990 at least 65 people have been killed on allegations of committing blasphemy[[5]](#footnote-5). In April 2017, the National Assembly of Pakistan held a special debate on review, abuse and negative exploitation of the blasphemy law[[6]](#footnote-6), in the wake of the high profile Mashal Khan lynching[[7]](#footnote-7).

The opposition demanded of the government to move a resolution in the National Assembly against the misuse of the blasphemy law and called upon the government to amend the law by inserting clauses in the existing law to address and disable its misuse.

Pakistan’s Federal Minister for Human Rights supported the debate and said that people feared to talk on the issue and innocent people were being murdered on false allegations of blasphemy. “(A) strong resolution should be moved against the misuse of the law. Otherwise, the PTI (Pakistan Tehreek-e-Insaf) would bring its resolution over the issue. Misuse of the law needs to be ended[[8]](#footnote-8),” she said.

The UNCT welcomes the present government and the opposition’s shared concern over the misuse of this law and encourages the government to pursue this critical discussion. The UNCT further recommends that the Government of Pakistan considers enacting and implementing concrete legislative measures against the misuse of the law.

## **Theme: D43 Freedom of opinion and expression**

* 1. The UNCT welcomes improved legislative framework to promote freedom of expression and safety of journalists and urges the government of Pakistan to take necessary steps for enactment of the bill. The government should also ensure that the Ministry of Information calls upon an inclusive, consultative and transparent multi-stakeholders review of the bill and separate welfare from protection to keep protection a government responsibility.
  2. The UNCTwelcomes the National Assembly’s call for review of PECA to protect fundamental freedoms and encourages the government to have an inclusive consultation to make necessary changes. The government should also make the grounds for online regulation/censorship more transparent and ensure judicial oversight. The government should take measures to ensure implementation of RTI laws in their true sense, and expedite the operationalization of Federal information commission by giving administrative and financial autonomy so it can start functioning. Moreover, Pakistan may wish to consider a second generation RTI law in Baluchistan at par with other RTI laws in the country. It is important to note that the RTI law enables federal ministries to declare certain information exempt from disclosure, while recording reasons for doing so. However, information pertaining to violation of human rights and criminal wrongdoing ‘cannot’ be declared exempt from disclosure. In the light of its mandate to review implementation of human rights laws’, policies and measures, Ministry of Human rights and/or National Commission for Human Rights may consider reviewing such cases and the grounds for exemption.

* 1. In view of its voluntary pledges, the UNCT urges Pakistan to allow the UN special rapporteur on freedom of expression and access to information to visit Pakistan. This provides Pakistan the opportunity to demonstrate the significant developments in legislation on Access to Information. Moreover, the UNCT encourages the government to report on SDG16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, to review its progress towards goal 16: Peace, Justice & Strong institutions

## **Theme: D51 Administration of justice & fair trial**

* 1. The Supreme Court of Pakistan banned ‘jirgas’ in 2019 but the impact of this ban on the existence of the jirgas is difficult to assess due to the very nature of the informal justice systems.
  2. The length of judicial proceedings is a major impediment to the delivering of justice. The UNCT encourages the Government of Pakistan to consider all necessary measures to improve the length of judicial proceedings throughout the country while ensuring that the human rights of the citizens (and in particular of the members of marginalized and vulnerable populations) are ensured.
  3. The UNCT welcomes the adoption of Rule of Law Road Maps in Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan provinces, aiming at improving the delivery of justice services for citizens. The UNCT encourages the Federal as well as provincial governments to ensure that these Rule of Law roadmaps are duly implemented and have a lasting impact on the delivery of justice in Pakistan.

## **Theme: E1 Economic, social & cultural rights - general measures of implementation**

**20.1.** A national strategy on stigma and discrimination is being developed to address Stigma and Discrimination against Transgender Persons in social protection and healthcare service delivery.

**20.2.** The UNCTstrongly recommends the scaling up, inclusive and equitable measures for empowering women of newly merged tribal areas (former FATA) and their access to social-legal economic justice and mainstream them in social safety net such as Ehsaas programme and BISP.

## **Theme: E21 Right to an adequate standard of living – general**

* 1. The UNCT is supporting 6,700 women HBWs and excluded groups (including women living with HIV/AIDS, transgender and women with disabilities) from six selected districts of Balochistan, KP/FATA and Sindh to improve their access to income generation, entrepreneurship and decision-making processes and enabling them to have a collective voice in highlighting their issues and finding solutions.

## **Theme: E41 Right to health – General**

* 1. Pakistan is a signatory to universal health care and the Declaration of Alma-Ata*,* it needs to recognize health as a human rights issue at the domestic level by granting it constitutional protection. While the 18th Constitutional Amendment inserted a new article (26A) about the right to basic education, an opportunity was lost for inserting a similar article on the right to basic health. In moving forward to improve access to quality health services for everyone, especially women and children in Pakistan, the implementation of integrated strategies that promote equitable access to services at primary care level must be the cornerstone of any new policy. More attention should be paid to maternal and neonatal care. The value placed on a mother’s life and wellbeing is a key gender issue for the UNCT; and the UNCT recommends a focus on gender differentials in child health and survival where these exist.

## **Theme: E51 Right to education – General**

* 1. The Article 25-A (inserted in the Constitution in April 2010), making free and compulsory education a right of all children (5-16) entailed the development of the Right to Education (RTE) laws as a constitutional requirement. As a result, all the provinces introduced RTE laws. Islamabad Capital Territory (ICT) introduced the first RTE legislation in 2012, whereas Khyber-Pakhtunkhwa (KP) was the last, among provinces, to enact the law in 2017. Pakistan Administered Kashmir and Gilgit-Baltistan have yet to introduce RTE laws. However, the provinces of Punjab, Balochistan and KP also have yet to develop rules of business without which the RTE laws cannot be implemented effectively.
  2. The number of out-of-school children presents a serious challenge. 17.8 million, according to unpublished MEMIS data for 2017-18, are still out of school. Despite that the number of OOSC has decreased from 22.8 million in 2016-17, still it remains a huge challenge. It’s also noteworthy that the OOSC primarily include greater number of girls, poor and rural children, posing a serious equity challenge.
  3. The implementation of Article 25 A, in the absence of the required follow-up laws in the provinces, continues to be an unresolved issue, with implications on equitable access to education opportunities. It’s, however, encouraging that the provinces in 2018-2019 have embarked on a new cycle of Education Sector Plan (ESP) preparation. Punjab and Sindh have reached near completion stage of ESP preparation; whereas Balochistan and KP will finalize their ESPs early next year. All the ESPs reflect equitable access to education as one of the key priorities. However, effective implementation of ESPs will only offer hope to attain right to education for all.
  4. Under Benazir Income Support Programme (BISP), Waseela-e-Taleem (WeT), is currently implemented in 50 districts across the country. This program, which is currently benefiting 2.2 million children, primarily from the disadvantaged backgrounds, has the potential to offer education opportunities for many more beneficiaries and to change the education landscape for better. Also, the recently launched Ehsas programme offers a promising opportunity to all, and specially to benefit the disadvantaged, including girls, women and older persons.
  5. The number of out-of-school children (OOSC) presents a serious challenge. 17.8 million, according to unpublished MEMIS data for 2017-18, are still out of school. Despite that the number of OOSC has decreased from 22.8 million in 2016-17, still it remains a huge challenge. It’s also noteworthy that the OOSC primarily include greater number of girls, poor and rural children, posing a serious equity challenge.
  6. All Education Sector Plans (ESPs) focus heavily on institutional development and school governance. There is broad emphasis on community-led school governance by strengthening or establishing school management committees, particularly to enhance access and retention especially at the primary level, and to oversee and build school infrastructure.
  7. Over the last two years, allocation of resources for education against GDP has slightly increased. Public Expenditure on education as a percentage of GDP is estimated at 2.4 percent in FY2018 as compared to 2.2 percent in FY2017. The provincial governments are also spending sizeable amount of their Annual Development Plans (ADPs) on education. However, all this considerably falls below 4% allocation against GDP for education that Pakistan has long committed.
  8. No concrete and comprehensive strategies exist to ensure schools are safe and free from violence. Thus, over-arching Safe Schools strategies that adhere to child protective norms, and are disability and gender sensitive, should be developed in each province/ area.
  9. While gender is often – but not always – a major focus, other inequities and forms of discrimination are not always explicitly addressed in policies and budgets or through disaggregated data. No province/ area monitors exclusions so as to capture a range of vulnerabilities. Systems do not exist to monitor education frameworks through a gender and human rights lens.
  10. After the devolution of education to provinces in 2010, the provincial governments have made efforts to remove controversial materials from the textbooks. However, this process further needs to be expanded/expedited. The National Curriculum Council, functionating at the federal level, is also in the process of revising the curriculum and introducing more neutral and acceptable- to-all content remains their priority.
  11. Over the last two years, allocation of resources for education against GDP has slightly increased. Public Expenditure on education as a percentage of GDP is estimated at 2.4 percent in FY2018 as compared to 2.2 percent in FY2017. The provincial governments are also spending sizeable amount of their Annual Development Plans (ADPs) on education. However, all this considerably falls below 4% allocation against GDP for education that Pakistan has committed. It’s also noteworthy that private education has been growing exponentially in Pakistan. However, government has yet to develop a policy of its support for the private provision of education. No regulatory mechanism for private school system exists. An effective regulatory, supervision and support mechanism can contribute to enhancing access and quality of education in the country.
  12. The provinces of Punjab and KP have made considerable progress in the provision of adequate school facilities; whereas other provinces/areas i.e. Balochistan, Sindh, PAK, tribal districts of KP and GB need to step up provision of school facilities. In Balochistan, for example, only 17 % schools have drinking water, 20 % electricity and 35% toilet facilities. Additionally, there are not enough classrooms in many schools; notably, dedicated ECE classrooms do not exist.
  13. The UNCT acknowledges that the Home-Based Workers law 2018 passed by the provincial assemblies of Sindh, Punjab and Balochistan are great milestones which ensure the social protection of home-based workers, their rights, their contribution and to provide equal treatment to them and their dependents in case of sickness, maternity leave, injury or death.  Implementation of the approved bills yet remain to be rolled out. The UNCT welcomes the constitution of Women Hostel Authority and approval of the Women Hostel Authority Bill 2019 by Cabinet Committee, which surely will pave the way for establishment of first ever regulatory mechanism in the country for ensuring good quality, safe and affordable accommodation for working women. It will be appreciated if the similar step to be taken in other provinces to for working women.
  14. The National Education Policy Framework (NEPF) (2018), developed by the current federal government, specifies literacy improvement, particularly of women, as one of the key priorities for the next five years. The important next step is to work with the provinces to ensure the implementation of the NEPF priorities.

## **Theme: F12 Discrimination against women**

24.1. The amendment to the Supreme Court (Number of Judges) Act, 1997 establishing 25% quota for women justices in the Supreme Court of Pakistan as introduced in the National Assembly on 13 April 2016 and passed by the resolution of the senate on 17 May 2016.

24.2. The UNCT has partnered with WPC to attain broad-based consensus amongst all women parliamentarians for the socioeconomic and political development of Pakistani women and to enable women parliamentarians to work beyond and above party lines to advance women empowerment and gender equality. The for efforts aimed to raise awareness for legislative reforms to end child marriage and advance women empowerment and gender equality specifically and to develop a political culture that encourages the participation of women in public as well as political spares. These are also central to Pakistan’s efforts towards achieving the Sustainable Development Goals (SDG) by 2030.

24.3. The Child Marriage Restraint (Amendment) Bill 2019 aimed at fixing minimum age of marriage for girls at 18 was recently rejected by the National Assembly Standing Committee on Law and Justice, with majority of members of National Assembly opposing the bill. The UNCT recommendes to have this bill passed to ensure the realization of a child’s right to protection from such a harmful practice.

24.4. Promoting and safeguarding cultural right of the marginalized communities especially minority right has always been taken care of in the country to promote social harmony and peace in the country. A Senate resolution was passed on August 2017 (Resolution #339) to protect the cultural heritage of Kalasha people[[9]](#footnote-9).Moreover,Pakistan’s first-ever National Culture Policy was adopted in May 2018 which envisages preservation of national heritage, integrating minorities’ culture, promotion of art and craft, and revival of regional languages. Cultural rights of vulnerable communities have been reflected in the national cultural policy and KP culture policy (section 9).

24.5. The UNCT encourages the government of Pakistan to develop action plans for protection of the culture and heritage of marginalized communities and take an inclusive approach for policy implementation. As proposed in the policy the government stands to benefit from ratifying the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. There is a need to make legislation at federal and provincial level to implement the cultural policies developed in the country.

## **Theme: F31 Children: definition; general principles; protection**

* 1. Pakistan is currently undertaking a comprehensive ‘Child Labour Survey’ after more than two decades, across the country to collect relevant statistics in each province/territory. This will support in evidence-based policy formulation/strategy development/designing programmatic interventions for addressing the issue of economic exploitation of children in the country

## **Theme: G5 Refugees & asylum seekers**

* 1. The UNCT welcomes the Government of Pakistan’s continued commitment to the refugee protection and voluntary repatriation within the framework of the regional Solution Strategy for Afghan Refugees (SSAR), agreed upon by the Governments of Pakistan, Iran, Afghanistan and the UNHCR.
  2. The UNCT further welcomes the Government of Pakistan recent extension of the validity[[10]](#footnote-10) of the Tri-partite Agreement Governing the Voluntary Repatriation of Afghan Citizens Living in Pakistan, agreed upon by the Governments of Pakistan and Afghanistan and the UNHCR, and associated extension[[11]](#footnote-11) of the validity of the Proof of Registration (PoR) cards[[12]](#footnote-12) for Afghan refugees registered by the Government of Pakistan.
  3. The UNCT also welcomes the Government of Pakistan positive outlook on refugee children access to public education facilities and encourages further efforts to achieve the full implementation of the principle of “Free and compulsory education to all children”, as envisaged under Article 25A of its Constitution, and regardless of their status in Pakistan, i.e. children of refugees and stateless persons or persons at risk of statelessness. Given that inconsistent practices exist across schools in different Provinces, with some denying access to refugee students or refusing to recognize refugees’ PoR cards and UNHCR issued documentation, particularly for registration at national secondary level exams,
  4. The UNCT recommends that the Government of Pakistan considers enacting national refugee legislation, as directed in its Cabinet’s February 2017 Policy on Voluntary Repatriation and Management of Afghan Refugees.
  5. The UNCT commends the Government of Pakistan for consistently registering the new born Afghan refugee children at its PCMs (POR Card Modification Centres) and reiterates the importance of the continued issuance of birth certificates to such children (the issuance of BCs was temporarily suspended since the beginning of 2019).
  6. The UNCT recommends that the Government should strengthen the recognition and acceptance of PoR cards and UNHCR issued documentation for the purpose of enabling refugee children’s access to public primary and secondary schools, including access to Board exams. The UNCT also encourage the Government of Pakistan to consider positively and facilitate the expansion of education opportunities at tertiary level.
  7. The UNCT welcomes the Government’s decision allowing Afghan refugees to open bank accounts[[13]](#footnote-13), and it encourages the Government to continue work towards removing barriers to enable refugees to secure legal employment. This would lead to the Government of Pakistan fulfilling its commitments under the Leaders’ Summit[[14]](#footnote-14) to ensure “unhindered access to Afghan refugees to free healthcare in public hospitals, and to enable them to secure employment”.
  8. The UNCT further recommends to the Government of Pakistan to ensure that the interests of refugees, asylum seekers and stateless persons are mainstreamed into all national and provincial laws, policies and development plans, in particular with regards to access to basic services such as health, shelter, civil registration, education and the right to work.

1. **Theme: H1 Human rights defenders**
   1. The space for Human Rights Defenders is shrinking, and they are victim of death threats, abductions, enforced disappearances and murder. The establishment of a Commission of Inquiry on Enforced Disappearances does not seem to have curbed the trend.
   2. During its 3rd cycle of the UPR carried out in November 2017, Pakistan received the following eleven recommendations (countries mentioned in parentheses). All these recommendations were supported by Pakistan.
2. 152.132 Conduct an independent inquiry into all suspected cases of enforced disappearances of human rights defenders and hold accountable those responsible (Germany);
3. 152.175 Investigate all reports of attacks on journalists and human rights defenders, and bring the perpetrators to justice (Norway);
4. 152.176 Implement measures to protect the right to life and freedom of expression of journalists and human rights defenders, ensuring that the perpetrators of violence against them are brought to justice (Greece);
5. Implement measures to protect the right to life and freedom of expression of human rights defenders, and ensure that the perpetrators of violence are brought to justice (Australia);
6. Take measures to combat impunity of all those who attack human rights defenders (Spain);
7. Take steps to bring to justice those who have threatened, or attacked human rights defenders, children, and others who are working to promote democracy and accountability in Pakistan (Canada);
8. Combat impunity for attacks on human rights defenders by effectively investigating allegations and by prosecuting those responsible (Ireland);
9. Invite the Special Representative of the Secretary-General on the situation of human rights defenders to conduct an independent visit to Pakistan (Ireland);
10. Effectively address the repressive effect of civil society monitoring procedures and anti-terrorism legislation on the operation of human rights defenders (Ireland);
11. Restore as soon as possible all fundamental freedoms as guaranteed by Pakistan's Constitution that were suspended at the imposition of the state of emergency in November and December last year. This implies reconfirming the independence of the judiciary and cancelling all remaining charges to human rights defenders (Netherlands);
12. Consider establishing a national policy of protection of human rights defenders (Brazil).

The UNCT reiterates all the above-mentioned recommendations. Additionally, the UNCT calls upon the government of Pakistan to expeditiously undertake concrete, timebound and sustainable measures to protect rights of human rights defenders, and to is translate its UPR engagements into tangible impact.

1. Constitution of Pakistan, (Articles 25-27), 1974 [↑](#footnote-ref-1)
2. ILGA, ‘State-sponsored Homophobia’, 2019 [↑](#footnote-ref-2)
3. USSD, ‘Country Report on Human Rights Practices for 2018’, (page 46), 13 March 2019 [↑](#footnote-ref-3)
4. National Assembly, ‘Transgender Persons (Protection of Rights) Act, 2018 [↑](#footnote-ref-4)
5. Lawmakers call for 'review' of blasphemy law; By Qadeer Tanoli / Irfan Ghauri; The Express Tribune, Pakistan; April 18, 2017 [↑](#footnote-ref-5)
6. Ibid. [↑](#footnote-ref-6)
7. Mashal Khan was a Pashtun and Muslim student at the Abdul Wali Khan University Mardan, Pakistan who was killed by an angry mob in the premises of the university on 13 April 2017, over allegations of posting blasphemous content online. [↑](#footnote-ref-7)
8. Lawmakers call for 'review' of blasphemy law; By Qadeer Tanoli / Irfan Ghauri; The Express Tribune, Pakistan; April 18, 2017 [↑](#footnote-ref-8)
9. <http://www.senate.gov.pk/uploads/documents/resolutions/1504168989_952.pdf> [↑](#footnote-ref-9)
10. Conclusions of the 30th Tripartite Commission meeting between the Governments of the Islamic Republics of Afghanistan and Pakistan and UNHCR, Islamabad, Pakistan, 18 June 2019 [↑](#footnote-ref-10)
11. Ministry of States and Frontier Regions, Government of Pakistan, Notification No. F.4(4)-RR/2017, 27th June,2019 [↑](#footnote-ref-11)
12. Proof of Registration (PoR) Cards are the identity documents issued to Afghan Refugees by the Government of Pakistan. [↑](#footnote-ref-12)
13. State Bank of Pakistan, BPRD Circular Letter No.02 of 2019, February 28,2019 [↑](#footnote-ref-13)
14. On 20 September 2016, United Nations Secretary-General and seven Member States co-hosted the Leaders’ Summit on Refugees. [↑](#footnote-ref-14)