



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Twenty-first to twenty-third periodic reports of States parties
due in 2014**

Pakistan*

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Acronyms

ADP	Annual Development Programme
BISP	Benazir Income Support Programme
CCI	Council of Common Interest
CCP	Competition Commission of Pakistan
CERD	Committee on the Elimination of Racial Discrimination
CRED	Centre for Research on Epidemiology of Disasters
CSO	Civil Society Organizations
ECP	Election Commission of Pakistan
FATA	Federally Administered Tribal Areas
FDI	Foreign Direct Investment
FWBL	First Women Bank Limited
FY	Financial Year
GDP	Gross Domestic Product
GNI	Gross National Income
HDI	Human Development Index
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Law
IMF	International Monetary Fund
KP	Khyber Pakhtunkhwa
MDGs	Millennium Development Goals
NADR	National Database and Registration Authority
NATO	North Atlantic Treaty Organization
NBP	National Bank of Pakistan
NDMA	National Disaster Management Authority
NEPRA	National Electric Power Regulatory Authority
NFC Award	National Finance Commission Award
NPOs	Non-Profit Organizations
OGRA	Oil and Gas Regulatory Authority
PEMRA	Pakistan Electronic Media Regulatory Authority
PPAF	Pakistan Poverty Alleviation Fund
PPC	Pakistan Penal Code
PTA	Pakistan Telecommunication Authority
RGST	Reformed General Sales Tax
RTE	Right to Education
SAARC	South Asian Association for Regional Cooperation
SBA	Stand-by Agreement
SME	Small and Medium Enterprises
UN	United Nations
UNCAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
US	United States
USC	Utility Store Corporation
VAT	Value Added Tax

Introduction

1. Pakistan became party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 21 September 1966. Subsequently, the Government has kept the Expert Committee on the Elimination of Racial Discrimination apprised of the measures taken by the State Party that give effect to its state obligations. In March 2009, the Government appeared before the Committee for dialogue and presentation of its fifteenth to twentieth (15-20) consolidated periodic report. The Expert Committee, consequently, released its Concluding Observations and Recommendations.

2. The Government of Pakistan is now pleased to present its combined twenty-first to twenty-third periodic report under Article 9 of the Convention that responds to the Expert Committee's Concluding Observations and Recommendations on ICERD.

3. In preparation of this report, the Government took due care in adhering to the general guidelines adopted by the Experts Committee in its seventy-first session (CERD/C/2007/1). Besides, following procedure was adopted by the State Party for preparing this Report:

(a) Two action Matrixes were derived from ICERD text and the General Recommendations of the Expert Committee, tailored specifically for each relevant ministry and provincial government departments. The matrix spelt out requirements under ICERD Articles and elaborated necessary obligations. A set of questions was also developed and disseminated for the responsible entities for providing requisite updated information;

(b) The above material was circulated amongst the key Line Ministries, Provincial Government Departments and other relevant stakeholders, to solicit information and data on the Concluding Observations;

(c) The responsible state entities were requested to provide updated information on initiatives for the elimination of racial discrimination in the Country. The correspondence solicited information on institutional, legal and administrative measures initiated by the Government of Pakistan during the reporting period;

(d) A series of Consultative meetings at the Provincial and Federal Level, intended to enhance awareness on ICERD and to solicit information for the combined 21st, 22nd & 23rd report, were subsequently held with the key Line Ministries, Provincial Departments and Civil Society Organizations. The National Consultative meeting was chaired by Secretary of the Ministry of Law, Justice and Human Rights to personally share and discuss the ICERD reporting mechanism;

(e) An inter-ministerial meeting was also organized to review the initial draft of combined 21st to 23rd Periodic Report for the final input and feedback;

(f) More than two dozen organizations from CSOs and NGOs attended the consultative meetings at the Federal and the Provincial levels. An overall view that emerged from the consultations was that there are clear constitutional dictates and penal provisions which strictly prohibit and criminalize the offense of Racial Discrimination and its propaganda. Racism is a rare phenomenon in Pakistan and, therefore, has little or no impact on the lives of the peoples of Pakistan as such.

Recommendation contained in Paragraph No. 8

4. Ethnic groups in Pakistan are primarily identified on the basis of their language. Thus, Pakistan has an ethno-linguistic population which internally is further sub-divided

into numerous tribes. The respective languages and the embedded socio-cultural set-up bind these groups for co-existence. For instance, the Pathans speak Pushto language, and amongst themselves, there are Afridis, Yusafzais, Aurekzais, Kakakhels etc. Similarly, amongst the Punjabis, there are Rajputs, Mughals, Janjuas, Jats, Arains etc. who speak Punjabi language with varied dialects.

5. The population of Pakistan is 189,298,922 (according to the estimates). According to the last population census conducted in 1998, the ethnic composition of population based on major linguistic groups is as follows:

Ethnicity

	<i>Frequency</i>	<i>Percent</i>	<i>Valid Percent</i>	<i>Cumulative Percent</i>
Urdu	1,286	9.5	9.5	9.5
Punjabi	3,062	22.6	22.6	32.1
Sindhi	1,279	9.4	9.4	41.5
Pushto	2,946	21.7	21.7	63.3
Balochi	597	4.4	4.4	67.7
Engliosh	3	.0	.0	67.7
Barauhi	569	4.2	4.2	71.9
Siraiki	1,340	9.9	9.9	81.8
Hindko	550	4.1	4.1	85.8
Kashmiri	32	.2	.2	86.1
Shina	650	4.8	4.8	90.9
Brushaski	116	.9	.9	91.7
Wakhi	2	.0	.0	91.7
Chitrali/Khwar	116	.9	.9	62.6
Balti	385	2.8	2.8	95.4
Pahari	40	.3	.3	95.7
Potowari	107	.8	.8	96.5
Marwari	71	.5	.5	97.0
Farsi	15	.1	.1	97.1
Others	387	2.9	2.9	100.0
Total	13,553	100.0	100.0	
999	5	.0		
	13,558	100.0		

6. In addition, the following table has been prepared based on the major linguistic groups. It indicates that more than 90% of the population of Pakistan belongs to six major language speaking groups consisting of Punjabi, Pashto, Sindhi, Urdu, Saraiki and Balochi. These groups do not have racial discrimination among themselves as such, and practice unity in diversity while preserving their respective cultural heritage. The composition of the rest of the linguistic groups is around 7% of the total population. Pluralism in the society is one of the major strengths of Pakistani culture.

Population by Mother Tongue in Pakistan

<i>Sex</i>	<i>Total</i>	<i>Urdu</i>	<i>Punjabi</i>	<i>Sindhi</i>	<i>Pushto</i>	<i>Balochi</i>	<i>Saraiki</i>	<i>Others</i>
1	2	3	4	5	6	7	8	9
Both Sexes	132,352,279	10,022,183	58,435,335	18,657,391	20,413,478	4,725,095	13,934,843	6,163,954
Male	68,873,686	5,176,010	30,282,907	9,785,146	10,661,461	2,485,745	7,281,083	3,201,334
Female	63,478,593	4,846,173	28,152,428	8,872,245	9,752,017	2,239,350	6,653,760	2,962,620
Estimated Population by Mother Tongue as on 31.12.2013								
	189,298,922	14,692,315	83,246,224	27,753,195	28,435,919	6,613,433	19,787,699	8,770,135

Source: Pakistan Bureau of Statistics.

Recommendation contained in Paragraph No. 9

7. The Committee is first of all informed that in 2010, the name of NWFP¹ was replaced with “Khyber Pakhtunkhwa” by an act of the Parliament.² Besides, there is uniformity in the application of laws dealing with the rights and obligations of the people of Pakistan, including in the Province of Khyber Pakhtunkhwa (KP) at par with other Provinces of Pakistan. Secondly, the territorial composition of the State of Pakistan is defined in the Constitution of the Islamic Republic of Pakistan, which includes FATA as a directly administered territory of Pakistan by the Federal Government.³ There is also uniformity in the application of laws in all territories relating to the enforcement of human rights.

8. From the very outset, the Constitution of Pakistan unequivocally in its Preamble states that:

- Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed.
- Therein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.

9. The population of Khyber Pakhtunkhwa, as per Pakistan Census 1998 is 1,774,3645. This constitutes 13.40% of the population of Pakistan as per 1998 Census as compared to 13.13% of 1981 Census. The Population of this Province has increased at an average Annual Growth Rate of 2.82% as compared to National Growth Rate of 2.69%. The population of Khyber Pakhtunkhwa largely consists of a variety of tribes, sub-tribes and clans, each with its own network of ties but unified by ethnicity called Pathan or Pukhtun.

10. The Government of KP stands committed to fulfill the basic needs and ensure fundamental rights of citizens through a transparent and corruption free system of governance for creating a safe and prosperous society. With a view to realize these goals and objectives, the Government is promoting:

- (a) A strong culture of transparency, accountable and efficient governance that enables it to fully protect life and property of citizens;

¹ North West frontier Province (NWFP).

² 18th Amendment to the Constitution.

³ Article 1. Constitution of Islamic Republic of Pakistan.

- (b) Universal primary education and high standard of education at schools, colleges and universities;
- (c) Adequate healthcare services for all and poverty alleviation by vocational and skill building, creating more job opportunities, and youth loan schemes for self-employment and small businesses;
- (d) Empowering people by establishing elected local governments; and
- (e) Merit based employment and upward social mobility for all with the view to provide enabling environment and eliminate laws that limit the rights of the citizens.

11. The Federally Administered Tribal Areas (FATA) consist of seven Agencies⁴ and six Frontier Regions⁵ (FRs). The FRs run in a north-south strip along the eastern edge of Tribal Areas between the Agencies and the “settled areas” of Pakistan’s Khyber Pakhtunkhwa Province. It has about 3,000 rural villages and its people are tribal (60 tribes with over 400 sub-tribes). FATA’s population is almost entirely Pashtun, and has a shared ethnicity, tribal linkages, language and heritage.

12. FATA is characterized by a very strong tribal structure, rich ethnic diversity and cultural heritage. There are about a dozen major tribes with several smaller tribes and sub-tribes. Uthmankhel, Mohmand, Tarkani and Safi are the major tribes living in Bajaur and Mohmand. Afridi, Shilmani, Shinwari, Mulagori and Orakzai are settled in Khyber and Orakzai while the FRs of Peshawar and Kohat are occupied by Afridis. A good mix of Turi, Bangash, and Masozai inhabit Kurram Agency. Major tribes of North and South Waziristan are Darwesh Khel Wazirs with a pocket of Mahsuds in the central part of the region. Other tribes of the region are Utmanzai, Ahmadzai Dawar, Saidgai, Kharasin and Gurbaz. Bhattani occupies FR Lakki and Tank, while FR Bannu has Wazir as major tribe. Ustrana and Shirani tribes live in FR D.I. Khan. A breakup of the overall FATA population is shared in the following table:

Population (FATA 1998)⁶

<i>Agency/FR</i>	<i>Area (sq km)</i>	<i>Population (total)</i>	<i>Population Density (person per sq km)</i>	<i>Annual Growth rate 1981-1998(%)</i>
FATA	27,220	3,176,331	117	2.19
Bajaur	1,290	595,227	461	4.33
Khyber	2,576	546,730	212	3.92
Kurram	3,380	448,310	133	2.50
Mohmand	2,296	334,453	146	4.28
North Waziristan	4,707	361,246	77	2.46
Orakzai	1,538	225,441	147	-2.69
South Waziristan	6,620	429,841	65	1.95
FR Bannu	745	19,593	26	-6.65
FR Dera Ismail Kahan	2,008	38,990	19	-2.09
FR Kohat	446	88,456	198	2.59
FR Lakki	132	6,987	53	-4.81

⁴ Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan, and South Waziristan.

⁵ FR Peshawar, FR Kohat, FR Bannu, FR Tank, FR Lakki, and FR Dera Ismail Khan.

⁶ <http://fata.gov.pk/Global.php?iId=35&fId=2&pId=32&mId=13>.

<i>Agency/FR</i>	<i>Area (sq km)</i>	<i>Population (total)</i>	<i>Population Density (person per sq km)</i>	<i>Annual Growth rate 1981-1998(%)</i>
FR Peshawar	261	53,841	206	2.22
FR Tank	1,221	27,216	22	-0.61

13. The average annual population growth for FATA is slightly lower than the provincial average of 2.8% and the national average of 2.7% (1998 census). The average household in FATA consists of 9 persons, compared to 8 persons in the KPK and 7 persons in the country as a whole.

Demographic Indicators (Pakistan, KPK and FATA, 1998)⁷

<i>Indicator</i>	<i>Pakistan</i>	<i>KPK</i>	<i>FATA</i>
Geographical area (sq km)	796,096	74,521	27,220
Annual population growth (%)	2.69	2.82	2.19
Average household size (persons)	7	8.00	9
Urban population (% of total)	32.50	16.87	2.70
Population density (persons per sq km)	166.30	238.10	116.70

Population by Gender (FATA, 1998)⁸

<i>Agency/FR</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Ratio*</i>
FATA	3,176,331	1,652,047	1,524,284	108
Bajaur	595,227	305,137	290,090	105
Khyber	546,730	284,602	262,128	109
Kurram	448,310	229,634	218,676	105
Mohmand	334,453	175,404	159,049	110
North Waziristan	361,246	192,432	168,814	114
Orakzai	225,441	112,766	112,675	100
South Waziristan	429,841	231,080	198,761	116
FR Bannu	19,593	10,380	9,213	113
FR Dera Ismail Khan	38,990	20,497	18,493	111
FR Kohat	88,456	45,472	42,984	106
FR Lakki	6,987	3,450	3,537	98
FR Peshawar	53,841	27,063	26,778	101
FR Tank	27,216	14,130	13,086	108

14. Most of the households are engaged in subsistence agriculture and livestock rearing, or small-scale business conducted locally. Others are involved in trade within the tribal belt or with down-country markets. Women take active part in agricultural activities, store food grain, collect fuel wood and fetch water, besides attending to household work and family chores. Besides, they are predominantly involved in rearing livestock. They also produce small embroidered clothing, make various handicrafts and manufacture rugs and other

⁷ Ibid.

⁸ Ibid.

hand-woven products etc, that are sold in markets by their male family members. The adult male members of the society predominantly earn their livelihood by serving in the armed forces. Most of the employed labor force of the province is absorbed in agriculture and its sub sectors followed by community, social and personal services and wholesale and retail trade. Manufacturing and construction are the next largest sectors with nearly equal shares of employed labor force. During the Financial year 2012-2013 an amount of Rs 16 billion was allocated for the development activities in FATA. Similarly an amount of Rs 18.5 billion has been allocated for development activities in the year 2013-2014.

15. A new initiative “FATA Youth Policy” is under preparation that aims at mainstreaming youth on the FATA public policy agenda to promote and support youth development organizations by recognition, facilitation and stronger networking and coordination and to define and enforce standards for youth development organizations within its mandate to ensure quality, transparency and accountability. It also suggests gender equality and protection of the rights of minorities residing in FATA. Besides, people of FATA are equally entitled to access any government schemes aiming at empowering the people of Pakistan economically, socially, and politically.

Basic comparative indicators of Pakistan including Khyber Pakhtunkhwa (KP), and FATA⁹

<i>Indicators</i>	<i>Pakistan</i>	<i>KP</i>	<i>FATA</i>
Area (Sq. Km) 1988 Census	796,096	74,521	27,220
Population (Thousand)	188,019	27,932	4,475
Pop: Density (per Sq. Km)	236	375	164
Literacy ratio (Both)	60	52	33.3
Male	71	70	49.7
Female	48	35	12.7
Gross Primary Enrolment Rate (%)	91	91	77.7
Net Primary Enrolment (%)	57	54	52.1

Recommendation contained in Paragraph No. 10

16. While appreciating the Expert Committee’s recommendation, the State Party would like to inform that the term “Racial Discrimination” is already adequately understood and considered within the legal and administrative frameworks in Pakistan.

17. Chapter I of the Constitution of Pakistan already guarantees and lays down the framework for the protection of Fundamental Rights of all its citizens “without any discrimination”, as does Chapter II that lays down Principles of Policy which also envision substantive framework for the protection of rights of the citizens of Pakistan including the rights of the minorities. Article 27 of the Constitution provides safeguard against any kind of discrimination in services on the basis of race, religion, caste, sex, residence or place of birth, while Article 9 of the Constitution mandates protection of life and liberty to all citizens subject to law. Fundamental rights of the citizens are of paramount importance as provided in Art. 8 of the Constitution, which states that “Laws inconsistent with or in derogation of fundamental rights to be void”.

⁹ <http://www.khyberpakhtunkhwa.gov.pk/>.

18. Article 36¹⁰ of the Constitution of Pakistan uses the word “minority” which encompasses all minorities, i.e., religious, ethnic, and linguistic. Similarly, Article 33 of the Constitution forbids any sort of discrimination among citizens on racial, parochial, tribal or sectarian grounds. Discrimination on the basis of ethnic diversification is not a relevant phenomenon in the Pakistani society. Furthermore there is no bar on any caste, creed, linguistic and ethnic group in respect of political participation at national, provincial or local level.

19. Safeguarding the rights of minorities is the priority of the Government of Pakistan. Pakistan is a democratic country and pluralism is the central pillar of our society. Under Articles 20, 21, 22, 26, 27 and 28 of the Constitution of Pakistan, minorities are equal citizens of Pakistan and are free to profess their religion and visit their places of worship. We have a number of legislative measures and policies that translate constitutional principles into firm state action for promotion and protection of rights of minorities. Government has recently strengthened National Commission for Minorities (NCM) which works for the protection of minorities’ rights. The Commission comprises members representing all minority communities living in the country.

20. Article 36 of the Constitution states that: “the state shall safeguard the legitimate rights and interests of minorities, including their due representation in the federal and provincial services.” All citizens of Pakistan are, thus, equal before law. Citizens of religious minority groups in Pakistan enjoy equal rights as citizenry of the State. Members of the minorities communities work in every field of life: from scientific to judicial, to armed forces to core of diplomats and civil services, to politics to business, medicine, engineering, journalism and education etc. The contributions of minorities in Pakistan have been substantive and they have excelled in most spheres of professions. For instance, the first ever Law Minister, Jogendra Nath Mandal was a Hindu; Justice A.R. Cornelius, a Christian, was the 4th Chief Justice of Pakistan; Justice Dorab F. Patel, a Zoroastrian, had been the Chief Justice of Sindh High Court who was later elevated as Justice Supreme Court of Pakistan. He was also the founding member of the Asian Human Rights Commission; and Justice Rana Bhagwandas, a Hindu, has been the Chief Justice Supreme Court of Pakistan. Dr. Abdul Salam, an Ahmedi, was a Nobel Laureate of 1979. In armed forces, they have risen to the position of Lieutenant Generals and Air Marshals and have also been awarded highest military awards.

21. For centuries, the area comprising Pakistan is home to a population holding different faith or belonging to different ethnic and linguistic groups. Diversity is integral part of Pakistani society and has played an important role in the development, peace and prosperity of the country. Despite challenges arising from ethnic and sectarian global fault lines which have its roots in geo-politics surrounding, our region Pakistan has preserved its societal balance and cultural diversity.

22. The prevalence of Racial Discrimination is, thus, non-existent in Pakistan. The state party has consistently condemned all forms of discrimination and it has pursued, through all available means, to eliminate discrimination to promote understanding among all segments of its society. This is in line with Article 2 and 2-A of the Constitution of Pakistan. The Constitution unequivocally states that the right to human dignity is absolute and unqualified and may not be violated on any ground or reason whatsoever.

¹⁰ Constitution of Pakistan. Art. 36: “The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.”

Recommendation contained in Paragraph No. 11

23. As mentioned above, racism is a rare phenomenon in Pakistan and, therefore, has little or no impact on the lives of the peoples of Pakistan as such. Despite this fact, the existing legal framework comprehensively protects the rights of all its citizens without discrimination.

24. Pakistan is party to International Convention on the Suppression and Punishment of the Crime of Apartheid 1973. In the previous report Pakistan's stance on apartheid was very clearly explained which stated that Pakistan has repeatedly reiterated that the policies of apartheid, racial segregation and discrimination are not only repugnant to the ideals of any human society but also socially unjust, morally condemnable and legally untenable. Any concept of racial superiority is contrary to the teachings of Islam. Besides, Sufi traditions of love, peace, progress and support of the poor are also deeply embedded in the society across all religious and ethnic groups. The state of Pakistan has, thus, always condemned racial segregation and act of apartheid as a crime against human dignity and considers it also contrary to the Charter of the United Nations, Universal Declaration of Human Rights and to all moral and human values.

25. The spirit of anti-racial discriminations has been given full effect in the Constitution, Pakistan Penal Code (PPC) and other domestic laws. Racial Discrimination does not exist in Pakistan as such, and despite that the State has taken effective measures to prevent incitement to or acts of discrimination based on theories of superiority of race, color or ethnic origin.

26. Article 38 of the Constitution states that the state shall "secure the well-being of people, irrespective of sex, caste, creed or race by raising their standard of living ...".

27. The apex courts have also given a number of judgments on prohibition of hate crimes and its incitement. In 2013 PLD 75, Quetta High Court observed, " wall chalking and threatening and spiteful press releases were not permissible because they were contrary to the injunction of Islam, undermined the integrity, security and defense of Pakistan, public order, decency and morality. Same were also crimes under the laws of Pakistan and they incited others to commit crime".

28. Article 25 of the Constitution of Pakistan 1973 specifically prohibits discrimination against any citizen. Article 36 ensures protection specifically provided for minorities. Similarly, Section 153-A of Pakistan Penal Code, 1860 (the main penal law of the state) provides legal framework for ensuring inter-ethnic, inter religious and sectarian harmony. Besides, interfaith harmony committees have been established across the country.

29. It may be underlined that the judicial interpretation of Article 25 guaranteed in the Constitution has led to the development of an extensive body of case law covering a broad spectrum of governmental activity.¹¹ In practice, equal protection of law is ensured by the right of individuals to challenge governmental actions in courts and the power of the courts to invalidate acts which are determined to be unconstitutional.

30. The principle of non-discrimination is thus, enshrined in Article 25 of the Constitution. Article 25 also encourages the state to take special measures for the protection of the rights and interests of women and children in this regard.¹² This is reflected in the government policies and demonstrated in the schemes that provide job quotas in the

¹¹ Case References annexed.

¹² IBID. Art 25(3).

government across the board as well as reserve seats in educational institutions.¹³ It can be enforced directly at the request of any individual within the jurisdiction of Pakistan through a constitutional petition before the relevant high court having territorial jurisdiction.¹⁴ The approach of the courts while hearing such petitions has been generally very considerate and numerous such petitions are heard and disposed of by the High Courts in Pakistan on a regular basis.¹⁵ The judicial interpretation of Article 25 is, therefore, broad enough to address discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as required by Article 2 of the Convention.

31. Besides, Article 26 states that no person otherwise qualified can be discriminated against in the matter of employment on the basis of race, religion, caste, sex, residence or place of birth. Article 27 places complete ban on discrimination on the basis of sex in appointment in “the service in Pakistan”, provided that the performance and functions of the job can be carried out by, and is deemed suitable for, both sexes.

32. Pakistan has been ranked as one of the least racist countries in the world, according to a report in the Washington Post. Data tabulated from the World Values Survey, compiled by two Swedish economists, suggested that Pakistan was among the more racially tolerant countries. Evidently, there is no apartheid and racial segregation/ discrimination in Pakistan.

Recommendation contained in Paragraph No. 12

33. The State of Pakistan does not recognize any discrimination among individuals on the basis of their belonging to a specific caste.

34. National Database and Registration Authority (NADRA) which has been mandated under the law for the registration of all the citizens of the country was requested to collect data along with specific information which is required under the law of the land. NADRA responded that there is no requirement under the Pakistani law to maintain data on the basis of caste. Pakistan does not encourage the recognition of the individuals on the basis of caste for it may be discriminatory to divide a culturally diverse society on the basis of caste.

35. Such an approach is evident from State practice. Government has abandoned all earlier references to the term “scheduled caste” from the pre-partition inherited documentations. The Government has made policies after independence for the advancement of socially backward classes of citizens by prescribing quota for the underdeveloped castes and regions.

36. In the Constitution, a new proviso has also been added to clause (1) of Article 27 which states that “Provided also that under representation of any class or area in the service of Pakistan may be addressed in such manners as may be determined by an Act of Majlis-e-Shoora (Parliament).” This is aimed at further enabling the Government to bring the under-represented classes in the mainstream using their full potentials and making them into productive citizens in the society.

¹³ In the year 2010, five women were recruited to the Kohat University of Science & Technology; while in 2011, 9 women and 3 members of minority groups were recruited; whereas in 2013, one woman and 3 members of minority groups were recruited.

¹⁴ Pak. CONST. art. 199.

¹⁵ Please refer to footnote 22 above regarding list of case laws annexed.

Recommendation contained in paragraph No. 13

37. The Government of Pakistan is fully cognizant to promote and protect basic human rights of every person living within its territory. In its endeavors, the Government has recently made functional an independent National Commission of Human Rights (NCHR) which has been established by an act of the Parliament.¹⁶ The Commission aims at promoting and protecting human rights in Pakistan and has, thus, been given suo moto powers to take action against cases of human rights violations in the country. The Commission, including its Chairperson, consists of nine members i.e., one from each province one from FATA, one from the Islamabad Capital Territory (ICT), and one from the Minority Communities. Besides, the Chairperson of the National Commission on the Status of Women (NCSW) has been designated as its ex-officio member. The Act gives the Commission powers to hold inquiries and investigations with regard to violation of human rights anywhere in Pakistan. In accordance with the Paris Principles, the Commission has been made financially independent. This initiative is a leap forward in ensuring effective monitoring and optimum protection of human rights of the citizens of Pakistan.

38. Besides, various monitoring, follow-up and accountability mechanisms have been put in place for the implementation of Human Rights of various segments of the society across Pakistan. The Provincial Governments have established Human Rights Departments and help lines at the provincial levels. The Provincial Government of Punjab, for instance, through an executive order has established a human rights complaint cell in its Provincial Department of Human Rights. The Government of Sindh has set up the Sindh Human Rights Commission in 2013, under the Sindh Protection of Human Rights Act, 2011. The Commission is empowered to inquire into violations of human rights or in cases of negligence in the prevention of such violations by a public servant. These measures now supplement the corresponding mechanisms at the federal level.

Recommendation contained in Paragraph No. 14

39. As stated earlier, race is not a basis for discrimination in Pakistan. During the consultation process for the preparation of the 21st to 23rd periodic report, all stakeholders were of the view that racist organizations did not exist in Pakistan. Therefore, we are constrained to provide information only on laws in the report prohibiting organizations that promote extremism or hatred based on religious or ethnic grounds.

40. Under the Anti-Terrorism Act 1997 (“ATA”), it is a crime to incite sectarian hatred.¹⁷ The Act deals with offences relating to incitement to violence and terrorist acts including acts of national, racial and religious hatred and violence.¹⁸ The Act also criminalizes offence(s)¹⁹ with respect to sectarian hatred.²⁰ It deals not only with individuals who may commit terrorist acts, but also organizations involved in such acts.²¹

41. Efforts are being made to address hate speech. For instance, In Punjab a new ordinance has been passed (the Punjab Sound Systems Regulation Ordinance 2015) under which authorities are taking action against the violators and misuse of loudspeakers and related equipment is being prevented. Numerous arrests have been made in this regard.

¹⁶ National Commission for Human Rights Act, 2012 (Act No. XVI of 2012).

¹⁷ §.2(f) read with § 8 ATA.

¹⁸ § 6, Anti-Terrorism Act, 1997.

¹⁹ Id. § 8.

²⁰ Id. § 2(f) [definition of sectarian hatred].

²¹ Id. § 11-A [definition of Terrorist Organizations].

More than 1,777 cases have so far been registered across the country as part of the efforts against publication of hate material and 1,799 arrests have been made. Pakistani Law Enforcement Agencies have also confiscated a huge quantity of hate material and sealed publication facilities.

42. Section 5A(b) of the Press, Newspapers, News Agencies, and Books Registration Act 2002 (XXVIII) of 2002 restricts the publication of any graphic or printed representation or projection of statements, comments, observations or pronouncements based on sectarianism, ethnicity or racialism. This regulatory regime was further strengthened in 2007 by amending the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance 2002, which mandates all electronic media programs and advertisements production to ensure that all their contents are free of any element of violence, terrorism, racial, ethnic or religious discrimination, sectarianism, militancy, obscenity, and hatred. Section 33 provides severe punishment for violation or abetment of the provisions of this Ordinance.

43. In accordance with existing legal framework, it is also a crime to promote enmity between religious groups and to organize any activity through which criminal force may be used or to train for such purposes or to participate in such activities. In addition, Pakistan has a very active judiciary with vast constitutional powers under Articles 184 (3) and 199 of the Constitution of 1973.

44. There are large number of case laws relating to the grant of relief/imposition of penalty on the acts of Racial Discrimination, if committed by the state or private persons. A precedent is as follows: PLD 2013 Quetta, 133, Mst. Zahra etc. vs. Ministry of Interior etc., In this case the NADRA refused to issue and renew the CNIC of a lady and her daughter belonging to Hazara Community. The court not only directed the concerned authorities to issue/renew the CNIC of the petitioners within 30 days but also directed to pay Rs.5,000/- to each petitioner as compensatory costs. The Court also observed that:

“In conclusion we are constrained to observe that a large number of cases of non-issuance of CNICs in respect of persons belonging to the ethnic Hazara community are coming before us. The petitioners too belong to this community. It may be that there is a bias or prejudice against this community amongst the concerned local officers of NADRA. The Constitution of the Islamic Republic of Pakistan absolutely forbids any sort of discrimination, and in fact Article 33 of the Principles of Policy states, that, ‘the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens’. It is incumbent upon the respondents to stamp out any such bias or prejudice and to instruct their officers in this regard”.

45. According to the Constitution, any law which ultra vires the fundamental rights of citizens protected by the Constitution shall be void.²² The Supreme Court has held such rights to be inviolable and stated that it is the paramount duty of courts to ensure compliance with fundamental rights guaranteed by the Constitution.²³

Recommendation contained in Paragraph No. 15

46. Pakistan has hosted one of the world’s largest refugee population of over 3 million people, at any time during the last 35 years. Despite drastic reduction in international assistance, Pakistan continues to host the refugees in the spirit of traditional hospitality and

²² Pak. Const. Art .8.

²³ *Information Systems Associates v. Federation of Pakistan through Secretary Information Technology and Telecommunication Division Ministry of Information Technology* [2012 CLC 958].

brotherly relations with Afghan people. Pakistan continues to reiterate its voice for sustainable return and reintegration of these people within their homeland in Afghanistan with dignity and honor. Pakistan considers that it has done more than the signatories of 1951 Refugee Convention and its 1967 Protocol Relating to the Status of Refugees. We believe that our existing arrangements are sufficient to deal with refugees.

Recommendation contained in Paragraph No. 16

47. Despite outside interference through terrorist acts in Pakistan, including in Balochistan province, the Government has taken a number of steps to ensure the protection and promotion of Human Rights in the province of Balochistan. Some of the steps taken in this regard are:

- Giving optimum provincial autonomy under the 18th Constitutional Amendment, which is a milestone in this regard. The current Chief Minister was a member of the Committee which drafted the 18th Constitutional Amendment Bill.
- Earlier, the Governor Balochistan could be from any other province, but now this practice has been abandoned.
- In the last NFC Award, the criteria for financial distribution proposed by the Baloch nationalists was accepted and well received by Baloch political leadership.
- Fiscal space of Balochistan has been increased. One of the indicators is the tax collection of Balochistan which used to be around Rs. 2 billion in 2005-06, but has increased to ten billion rupees as of now.
- Scholarships are being offered to Baloch students in Punjab.
- An independent judiciary, free media and a vibrant civil society is providing additional safeguards for protection of human rights.
- There has been a marked reduction in crime in Balochistan during 2014.
- A development strategy has been priority of Balochistan Government. Counter terrorism, anti-narcotics work and eradication of polio are priorities at district level.

Recommendation contained in Paragraph No. 17

48. The period from 2008-2014 is considered the most active era of legislation concerning women's rights. The laws passed, focused to criminalize forced marriages, addressing women's deprivation from inheritance, as well as addressing issues of violence against women such as giving women in marriage to settle civil or criminal liability, and determining harsh penalties for act of acid throwing and harassment at the workplace.

49. The Women in Distress and Detention Fund Act, 1996 (XV of 1996) has also been amended in 2012 to make the law effective to provide financial and legal assistance to women in jail. Another law titled "National Commission on Status of Women, 2012" has also been passed for strengthening the Commission making it independent through financial independence, broadening its scope by making it a recommendatory body for the government on women's rights and issues.

50. Regarding adoption of Domestic Violence Bill, since this is a provincial matter after the 18th Amendment, two of the four provincial governments, i.e., Sindh²⁴ and Baluchistan²⁵ have already enacted their laws on Domestic Violence respectively, while the other two provinces are in the process of drafting the law. At the Federal level, the Bill is currently under review.

51. In Province of Khyber Pakhtunkhwa a harmful tradition “Ghaag” was practiced whereby a person could forcibly demand or claim the hand of a woman in marriage by making an open declaration at any place, without her own or her parents’ or wali’s will and free consent. To condemn and prohibit this inhuman practice, a law “Khyber Pakhtunkhwa Elimination of Custom of Ghaag Act, 2013” has also been promulgated.

52. To investigate cases of harassment at the workplace, Ombudsman offices at Federal and provincial level in Punjab and Sindh have also been established under the Harassment at the Workplace Act 2010. As a step forward the Government of Punjab Province has announced a comprehensive package for the empowerment of the women titled, “Punjab Women Empowerment Package 2012”. The primary focus of this package is to protect the smooth transfer of inheritance to women.

53. The Government of Punjab has also enacted a landmark legislation setting 33% quota for women in decision-making positions in Public Sector bodies named “The Punjab Fair Representation of Women Act, 2014”. This law has further amended 66 laws, providing around 25000 women the opportunity to be part of the government at decision making positions.

Recommendation contained in Paragraph No. 18

54. Arrangements have been made to protect the rights of people of under-developed areas as well as the religious minorities through the reserved quota on the territorial and regional basis.

55. The minority communities have the right to participate on the general seat as well as on the special seats reserved for them. There are already sufficient opportunities available to the minority communities for their participation in the political process. Representation in the elected bodies is given to religious minorities by means of special seats. Further allocation of seats on ethnic basis would not be conducive for national harmony and cohesion as this type of division does not exist in the country. It may be noted that the population of Pakistan belongs to people of diverse ethnic backgrounds and, therefore, it may not be feasible to provide such data.

56. As stated earlier, Article 27 of the Constitution of Islamic Republic of Pakistan 1973, categorically provides safeguards against discrimination to all citizens of Pakistan for appointment in the service of Pakistan on the basis of race, religion, caste, sex, residence or place of birth. Moreover, in order to secure adequate representation from all areas of Pakistan for vacancies in the Ministries/Division/Departments/Autonomous/Semi Autonomous bodies/corporations etc, seats are reserved for direct recruitment to be filled on all-Pakistan basis as per the following quota:

²⁴ Passed the Bill in 2013.

²⁵ Passed the Bill on 1st February 2014.

Merit	7%
Punjab (Including ICT, Islamabad)	50%
Sindh (R)	11.4%
Sindh (U)	7.6%
K.P	11.5%
Baluchistan	6%
NA/FATA	4%
Azad Kashmir	2%
Total	100%

57. In the case of minorities, 5% quota in employment at Federal and Provincial level has been fixed. In fact, the candidates belonging to minority communities have more opportunities than other Muslim candidates; they can compete against the posts advertised on the basis of open merit against zonal merit posts as well as have chance to compete against the quota of the posts earmarked specifically for the Minorities. It is pertinent to mention that 3.5% of the total population of the country belongs to the Minority Communities for whom 5% of the quota in employment has been reserved.

Recommendation contained in Paragraph No. 19

58. Article 20 of the Constitution provides: “ Subject to law, public order and morality:- (a) every citizen shall have the right to profess, practice and propagate his religion; and, (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.”²⁶

59. The Objectives Resolution passed by the Constituent Assembly of Pakistan in 1949, was made an operative part of the Constitution in 1985 through addition of Article 2-A to the 1973 Constitution. The Resolution’s substantive provisions, inter alia, guarantee freedom of thought, belief, faith and worship to all citizens.²⁷

60. Pakistan’s founding principles are echoed in Quaid-e-Azam Muhammad Ali Jinnah’s²⁸ historic speech of 11th August 1947: “You are free; you are free to go to your temples. You are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion, caste or creed—that has nothing to do with the business of the State. We are starting with this fundamental principle that we are all citizens and equal citizens of one state.”

61. In a case filed through the Ministry of Law & Justice, i.e. *Pakistan Hindi Council v. Pakistan*,²⁹ the Supreme Court held that every citizen had a fundamental right to profess, practice and propagate his religion. In the event of violation of such right including forced conversions, the subject matter of the case, the Court held that violation of fundamental rights can always be pressed directly before the court and no special law on this point was needed. In *Haji Muhammad Hanif Abbasi v. Capital Development Authority* through its Chairman,³⁰ the Lahore High Court held that “under Article 20 of the Constitution, it was

²⁶ Constitution of Islamic Republic of Pakistan.

²⁷ Ibid. Preamble.

²⁸ Father of the Nation.

²⁹ [2012 PLD (S.C.) 679].

³⁰ [2005 CLC 678].

the right of every citizen to profess, practice or propagate his religion and that every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions". It accordingly held that a Church being a religious institution, its construction could not be halted as it was an expression of the right of the Christian citizens of Pakistan under the Constitution's Article 20.

62. The Supreme Court, in a landmark judgment in its suo moto action after the unfortunate bombing of a church in Peshawar in 2013, stated that "religion cannot be defined in rigid terms", holding that freedom of religion must also include freedom of conscience, thought, expression, belief and faith. It explained that these freedoms have both an individual and a community aspect, and on this basis, held that every citizen of Pakistan is free to exercise the right to profess, practice or propagate his or her religious views, even against the prevailing or dominant views of his or her own religious denomination or sect.

63. The aforementioned judgment accords protection to members of all religions and criminalizes incitement of religious hatred. Similarly, § 295 PPC provides: "Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both."

64. The minorities are free to preach their respective faith. In *Hafiz Asmatullah v. Government of Punjab*,³¹ the Lahore High Court addressed the substance of the constitutional provisions with respect to minorities. In response to the plea that the Provincial Government be directed to impose ban on the book "God's Special Agents" and that the respondent be restrained from preaching and projecting Christian faith in Pakistan, the court held that under Article 20 of the Constitution, every citizen enjoys Fundamental Right to profess, practice and propagate his religion and every religious denomination and every sect thereof has a right to establish, maintain and manage its religious institutions. The court was of the view that the Petitioner failed to point out and advance any argument as to how the actions of the respondent violated any particular law, public order or morality so as to exclude the application of Article 20 of the Constitution. The reliance of the petitioner upon Article 227 of the Constitution in the context was inapt in as much as clause (3) thereof ensures that "nothing in this part shall affect the personal laws of non-Muslim citizens or their status as citizens" and rather gives added strength to Article 20 of the Constitution and is also consistent with the principles of policy as contained in Article 36 of the Constitution. The court emphasized that "benevolence and tolerance are the hallmarks of Muslim faith which are inherently reflected in the Constitution's Articles 20, 36 & 227(3)".

65. The laws in Pakistan cater genuinely to all people belonging to various beliefs. § 298 PPC accordingly provides: "Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both." Moreover, § 296 PPC states: "Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both." § 297 PPC further provides: "Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted

³¹ [2005 PLD (Lahore) 354].

thereby, commits any trespass in any place of worship or on any place of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”

66. While referring to the response given above, it is reiterated that Articles 19 and 20 of the Constitution provide the mechanism for all persons to enjoy their right to freedom of thought, conscience and religion without any discrimination based on race, colour, descent or national or ethnic origin. Besides, Article 33 of the Constitution also stipulates that State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens.

Recommendation contained in Paragraph No. 20

67. The National Finance Commission (NFC) has been constituted under Article 160 of the Constitution of Pakistan. It aims at controlling any financial imbalances and to equally manage the financial resources with Provinces to meet their expenditure and liabilities. The primary objective is to avoid horizontal fiscal imbalances. The NFC Award regulates inter-governmental transfer of fiscal and economic resources between Provinces and Federal Governments. The Commission consists of representatives of the four provinces and the federal government, and is mandated to bring out a five-year agreement with the provinces on how to distribute revenues from the federal divisible pool of taxes.

68. 7th NFC Award, agreed in 2010, addressed the issues by evolving discussion about poverty, economic inequality and the level of development of each province. The criteria included the multiple variations such as, population 82%, poverty and backwardness 10.3%, revenue collection/generation 5%, and Inverse population density including urban rural development 2.7%.

69. Under the new award, the provincial share from Federal Divisible Pool was increased from 47.5% to 56% in fiscal year 2010-11, and further expanded to 57.5% in the later years under the vertical distribution of the Federal resources. Similarly, in consequence of 18th Amendment in the Constitution, more funds have been made available to the Provinces out of the Federal Divisible pools.

Divisible Pool-Resource allocation Formula – Share of Provinces in Terms of Indicators

<i>Indicators</i>	<i>Weight</i>	<i>Punjab</i>	<i>Sindh</i>	<i>KP</i>	<i>Baluchistan</i>
Population share (SBP estimates)	82.0	57.36	23.71	13.82	5.11
Poverty/backwardness	10.3	23.16	23.41	27.82	25.61
Revenue generation/collection	5.0	44.0	50.0	5.0	1.0
Inverse population density (SBP estimates)	2.7	4.34	7.21	6.54	81.92
Total share	100.0	51.74	24.55	14.62	9.09

Source: State Bank First Quarterly Report 2010.

Recommendation Contained in Paragraph No. 21

70. The prohibition of slavery is recognized and safeguarded by the fundamental laws of Pakistan.³² Article 11 of the Constitution, at the very outset prohibits forced and bonded labour as well as human trafficking. Section 1 of the said Article, unequivocally, states that “Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.” S.2 of the Art. further prohibits all forms of forced labor and human trafficking, while its S.3 prohibits engaging minors below the age of fourteen, in factories, mining or any form of hazardous employment.

71. Pakistan has outlawed slavery and bonded labor with a fairly strong Bonded Labor System (Abolition) Act of 1992 (BLASA). The Act of 1992, requires all workers who owe their employers more than a week’s wage, to be freed of their debts. It establishes fine and penalties for employers who do not comply. The Act also establishes a “District Vigilance Committee System” to promote enforcement nationwide by monitoring and identifying instances of bonded labour. The Act makes illegal any custom, tradition or practice, as well as makes it illegal and void and inoperative any contract, agreement or instrument through which anyone is required to do bonded work.³³ It also contains elaborate provisions regarding recovery of existing debts.³⁴

72. It may be underlined that Supreme Court of Pakistan, in 1988, took notice of Bonded Labour Practices in brick kilns industry and declared all advances made in brick kilns illegal. Followed by the judgment of Supreme Court of Pakistan, the Bonded Labor System (Abolition) Act, 1992 (mentioned above) was adopted.

73. In 1995, the Rules for the Bonded Labor System (Abolition) Act, 1992 (BLASA) were formulated. In 2001, the government launched a nationwide program for the “Abolition of Bonded Labor and Rehabilitation of freed bonded laborers to promote the anti-slavery law. The government spent over 1.5 million USD to register brick kiln workers and provided them with micro-credits to help them pay their debts. In 2002, the government enacted the Prevention and Control of Human Trafficking Ordinance in an attempt to further strengthen laws.

74. The prohibition and criminalization of slavery in all possible forms, therefore, remains substantially clear under the Pakistan’s legal framework. In *Mst. Fatima Bibi v. The State*,³⁵ for instance, the Lahore High Court took strict view of abduction of a young girl. A similarly strict view was taken in another abduction case by the High Court of Sindh.³⁶

³² See Article 11 of the Constitution. Slavery, Forced Labour etc. Prohibited.:” § 367 PPC: “Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery or knowing it to be likely that such person will be so subjected or disposed of shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;” §. 370 PPC: “Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;” §. 371 PPC: “Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, shall also be liable to fine.”

³³ Id. §. 5.

³⁴ Id. §§. 6, 7, 8 & 9.

³⁵ [1996 PCrLJ 1749].

³⁶ *Gulzaran v. Amir Buksh* [1997 PLD (Kar) 309].

75. In the seminal case of *Darshan Masih v. The State*,³⁷ the Supreme Court, on the instance of receiving a communication through a telegram that a system of bonded labour was operating in the field of brick kiln workers, initiated a suo moto public interest proceedings. The apex court initiated the proceedings considering this to be a gross violation of the fundamental rights as enshrined in the Constitution. The Court also laid down principles and definitions of different forms of forced labour.

76. A Bonded Labour Fund has also been constituted with an initial amount of Rs. 100 million. Procedure for administration of fund has been framed and notified.

77. Pakistan Penal Code, 1860 has also provisions regarding forced or bonded labour/slavery. Section 370 of the Code prohibits from buying or disposing of any person as a slave. A person, who imports, exports, buys, sells or disposes of a person as a slave or receives or detains someone, as a slave shall be punished for a term up to 7 years and fine. Section 371 of PPC also imposes punishment of imprisonment up to 10 years and fine for a person who habitually deals with slaves (adopted dealing in slaves as his occupation). Furthermore, in accordance with Section 374 of the Code, whoever compels a person to compulsory labour (forced labour), without his own intent, shall be punished with an imprisonment of up to 5 years, or fine or both.

78. Similar provisions have been made in Prevention and Control of Human Trafficking Ordinance, 2002. In section 3 thereof, if a person knowingly plans or indulges in human trafficking in and out of Pakistan for the purpose of attaining any benefit, or for the purpose of exploitative entertainment, slavery or forced labour or adoption in or out of Pakistan shall be punished with imprisonment which may extend to seven years and shall also be liable to fine.

79. Pakistan has also ratified the Forced Labour Convention, 1930 (No. 29) on 23rd December 1957, and the Abolition of Forced Labour Convention, 1957 (No. 105) on 15th February 1960.

Recommendation contained in Paragraph No. 22

80. The Government of Pakistan is committed to its obligations under Article 7 of the Convention to undertake to adopt immediate and effective measures, particularly in the fields of teaching, and education, as well as culture and information, with a view to combat prejudices which could lead to racial discrimination, and to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

81. The Government recognizes the value of combating prejudices that lead to Racial Discrimination, particularly in the fields of teaching, education, culture and information. Following measures taken seek to promote understanding, tolerance and friendship among different ethnic groups:

(a) The preamble of the Constitution of Pakistan and media laws set out positive environment for media to promote harmony in the society irrespective of religion, race, sect or language. The electronic and print media, both in public and private sectors, at all levels, are promoting religious tolerance and prohibiting all forms of racial and gender discrimination through publications and transmissions;

(b) The media persons both at the ownership and operational levels are well informed and sensitized of their constitutional and civil obligations toward creating social, cultural, religious and racial harmony in the country. In case of any deviation or distortion,

³⁷ [1990 PLD (S.C.) 513].

multiple oversight bodies of the government and of the civil society are in place to take immediate remedial measures to correct the anomaly.

82. At the National Level, the National Heritage Wing of the Ministry of Information and Broadcasting promotes harmony in the society through its multifarious approach by organizing a number of events such as cultural festivals, musical programs, cultural exchange programs with the view to promote awareness and understanding about different cultures across the country.

83. There is a mechanism in place of annual cultural activities across the country for celebrating various events. It includes the promotion of art, literature and research, heritage, welfare of artists, singers (folk and others), training progress, annual cultural activities, listing of heritage properties, and provisions of grants to Arts Councils, monthly stipends and endowment fund to the needy artists and other prescribed cultural events.

84. The Provincial Culture Departments publically condemn propaganda and ideas of the superiority of one ethnic group over the other through a continuous series of cultural activities including by publishing books in local and regional languages.

85. The Culture Departments are also arranging regular celebrations, events and cultural activities. They include National Independence Day celebrations, Religious Day programmes, Urs/festivals of Sufi Saints, spring season events, musical nights, quiz and debate competitions and many other cultural activities relating to highlighting the diverse culture of the country.

86. Curriculum development has been a federal subject in the past. It has now been made provincial subject after the 18th Constitutional Amendment. The provinces are thus taking initiatives for the promotion of local or regional languages.

87. It may be underlined that Article 28 of the Constitution also states that subject to provision of Article 251, any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose. Article 251 (3) states that “Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the teaching, promotion and use of local language in addition to the National language”.³⁸

88. Sections 364 & 366 of Code of Criminal Procedure, 1898 (Act V of 1898) also provide for recording of the evidence and pronouncement of the judgment in the language of the accused.

89. Another major impact of the 18th Amendment on education is that the curriculum, syllabus, planning, policy and standards of education have fallen under the purview of the provinces. This provides great opportunity to the Provincial Governments to take necessary steps for the promotion and understanding of local religious, socio-cultural milieu and preach tolerance through their respective targeted efforts by employing teaching and education tools.

Recommendation contained in Paragraph No. 23

90. While referring to the earlier contents of this Report, it may be reiterated that Sections 153 a & 505(2) of Pakistan Penal Code of 1860, provide legal framework for ensuring inter-ethnic and inter-religious/sectarian harmony. Any act of violence against the person and the property of any citizen is dealt with under the relevant provisions of law by

³⁸ Constitution of Pakistan.

the State institutions. Efforts have also been made to inform public at large about legal remedies available against violations mentioned in the Convention.

Recommendation contained in Paragraph No. 24

91. The Government of Pakistan is committed to its obligations under the Convention to adopt effective measures, particularly in the fields of teaching and education, culture and information with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among racial or ethnic groups. A summary of steps taken by the Government has already been covered under recommendation 22.

Recommendation contained in Paragraph No. 25

92. Ratification of ILO Convention No. 169 requires tripartite intensive consultations, which is a time consuming process and the relevant ministries have been requested to initiate the process for its ratification.

Recommendation contained in Paragraph No. 26

93. It is pertinent to point out that Pakistan is not a labor receiving country. As and when such a situation would arise, Pakistan will consider acceding to the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families.

Recommendation contained in Paragraph No. 27

94. Pakistan's commitment to the elimination of racial discrimination in all its forms and manifestations is reflected in our Constitution as well as in our policies. Our ratification of the International Convention on the Elimination of all forms of Racial Discrimination in as early as 1966, is a clear demonstration of this commitment. The Government firmly believes that racism, racial discrimination, xenophobia and related forms of intolerance negate the core human rights principles of equality, non-discrimination, human dignity as well as cultural and religious diversity.

95. In line with our longstanding commitment to eliminate scourges of racism from the world, Pakistan actively participated in the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and Durban Review Conference held in 2001 and in 2009 respectively. We had been emphasizing that it is imperative to implement Para 150 of DDPA and Para 13 and 127 of Outcome Document of Durban Review Conference with regard to religious intolerance and discrimination with the view to combat new and contemporary forms of racism. In this regard, we also had been highlighting the urgent need to prepare complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects in accordance with Para 199 of the DDPA.

96. It may be underlined that we had been actively participating in the deliberations of all Durban mechanisms, i.e., Ad Hoc Committee for the Elaboration of Complementary Standards to ICERD and IGWG on the Implementation of DDPA. We also played a constructive role in the finalization of Programme of Activities of the International Decade for People of African Descent (IDPAD). Besides, we had been co-sponsors of resolutions in

the General Assembly and Human Rights Council regarding global efforts to combat racism, racial discrimination, xenophobia and related intolerance.

97. We believe that without guaranteeing the rights of minorities, no society can foster a culture of tolerance and mutual respect. Therefore, the Government has been taking administrative and policy measures to implement ICERD (details given above) as well as DDPA. We have been reporting to the CERD on these measures through periodic reporting. These include, among others, reserved seats for minorities in the Senate, national and provincial assemblies and local government, strengthening of National Commission for Minorities, establishment of an independent National Commission on Human Rights, inclusion of human rights education in school curriculum; 5% quota of jobs for minorities, establishment of interfaith harmony committees at the district level and compensation to victims belonging to minority community.

98. Since 2011, Pakistan celebrates 11th August as Minorities Day to promote understanding and harmony among all segments of society. On this day awareness building and inter-religious events are held all over the country which are also projected through the media.

99. In order to promote interfaith dialogue and cultural harmony, Ten (10) Religious Festivals of Minorities are celebrated officially in Pakistan. These festivals include Christmas and Easter for Christians, Holi and Diwali for Hindus, Biasakhi and Birthday of Guru Nanak for Sikhs, Nauroze for Zoroastrian, Eid-e-Ridvan for Bahai's, Festival of Lights for the Buddhist community, and Chelum Jhust for Kalasha people. Political leaders, public representatives as well as Muslims take part in these religious festivals. These festivals are widely covered by the print and electronic media. The President and /or the Prime Minister host special functions in the Presidency/Prime Minister House on these occasions and attend religious ceremonies in Churches, Temples and Gurdwaras.

100. Pakistan's Independent judiciary and the legal community have taken wide ranging steps for upholding the rule of law and ensuring the protection of constitutional rights of all citizens including religious and ethnic minorities. Human Rights Cells in the Supreme Court and the High Courts have been established for redressal of human rights complaints, including those of minorities.

101. Religious leaders play an influential role in promoting interfaith dialogue and countering all forms of discrimination in the country. In 2014, Pakistan Ulema³⁹ Council (PUC) devised a Code of Conduct to combat hate speech and religious intolerance in the country which was endorsed by The Council of Islamic Ideology (CII). PUC also held an Ulema and Mashaikh Peace Convention and National Peace Conference in Karachi on April 16th 2014. In this conference, representatives of all religions, sects and the country's major political and religious parties unanimously condemned religiously motivated incidents of extremism and terrorism and decided to form a national reconciliation council that would try to immediately resolve future problems and also review problems that occurred in the past.

102. The free and active media in Pakistan continues to help in countering extremist narrative and foster respect for religious and cultural diversity. More than 100 T.V. channels and Radio stations are operating in Pakistan. Around 1,500 newspapers and periodicals in over a dozen languages are published. A number of channels focus on human rights, including minority rights and violence against women, through discussions on challenging religious, social and cultural issues.

³⁹ Scholars.

103. In recent years, the social media has become a powerful tool for dialogue and engagement. There are a number of Facebook pages and twitter accounts started by Pakistanis for condemning extremism and intolerance and for promoting interfaith dialogue and cultural harmony. It was through the use of social media which led to galvanizing of thousands of Pakistanis to join the human chain formed around St. Anthony's Church in Lahore on 6 October 2013 to express solidarity with Christians after terrorist attack on All Saints Church in Peshawar.

104. In December 2014, a National Action Plan on counter-terrorism was devised which included steps, among others, countering hate speech and extremist material; ensuring against re-emergence of proscribed organizations that promote violence on religious grounds; taking effective steps against religious discrimination; registration and regulation of madrassas; ban on glorification of terrorism and terrorist organizations through print and electronic media and dealing firmly with sectarian terrorists.

105. Currently Pakistan is also finalizing National Action Plan (NAP) for the Promotion and Protection of Human Rights. Some of the steps in this Plan include, among others, strengthening of National Commission for Minorities, special arrangements for securing places of worship of minority communities, establishment of Parliamentary Standing Committee for Minorities, exemplary punishment to those who commit crimes against minorities, introduction of human rights education in schools with a particular focus on interfaith dialogue and minority rights, scheme for providing financial assistance to vulnerable groups from minority community, 5% quota for minorities in national income support programs and other social safety-nets, raising awareness through electronic and print media, measures to prevent misuse and abuse of blasphemy law and criminalization of hate speech and incitement to hatred which leads to imminent violence.

Recommendation contained in Paragraph No. 28

106. Pakistani society is one of the least racist societies due to adherence to the tenets of Islam which prohibit discrimination and promote equality and human dignity. Despite this, there is a comprehensive legal framework in place which protects all persons from discrimination and provides adequate mechanisms to seek redress. Therefore, the Government believes that in the presence of adequate domestic mechanisms, there is no need to make the optional declaration at this point.

Recommendation contained in Paragraph No. 29

107. The report will be placed on the official website of the Ministry of Law, Justice & Human Rights for information of the general public as it is submitted to CERD. In addition, the report is being translated into national language and would be disseminated for information of the public at the grass-root level through Treaty Implementation Cells established at the Provincial level.

Recommendation contained in Paragraph No. 30

108. Pakistan highly values contribution of CSOs for the advancement of human rights. The Government and civil society partnership in promoting human rights in the country is ever increasing. Besides, it may also be noted that the Civil Society Organizations were consulted during the provincial and national consultations. These consultations were arranged before the preparation of this report for seeking their input and valuable contribution. The vibrant Civil Society continues to inform the government regarding any

violation of human rights. Government also takes this information seriously and duly investigates with the view to provide redress to victims.

Recommendation contained in Paragraph No. 31

109. Currently, the state party is in the process of establishing and strengthening Treaty implementation cells at national and provincial level. Like the periodic reports on various human rights instruments, the Common Core Document is also being prepared and would be submitted in due course.

Recommendation contained in Paragraph No. 32

110. Due to administrative and political transition in the country on account of the 18th Amendment to the Constitution of 1973, new roles and responsibilities have been assigned to the ministries and departments at the federal and provincial level which constrained the capacity of the State Party for timely submission of the follow-up report to CERD. Nevertheless, response to the recommendations of the Committee relating to uniform application of national laws on FATA and NWFP (renamed as Khyber Pakhtunkhwa), establishment of National Commission for Human Rights, and National Commission on Minorities, and the implementation of bonded labour laws and programmes have been included in this report.

Recommendation contained in Paragraph No. 33

111. As indicated, shifting of assignments to different ministries, as a result of 18th Amendment to the Constitution of 1973, has delayed the process of compilation and submission of 21st and 22nd Periodic Reports in a single document. We would like to underline that timely submission of reports would be ensured in the future.
