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**Pakistan**

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## **I. METHODOLOGY AND CONSULTATION PROCESS**

1. The report was compiled after extensive inter-Ministerial consultations at federal and provincial levels. The Minister for Human Rights held consultations on the draft with noted national NGOs including Save the Children, SEHER, CARITAS, Global Welfare Trust, Research Society of International Law (RSIL) and Ansar Burney Trust.

## **II. BACKGROUND**

2. Pakistan became an independent state on 14 August 1947. Its total area is 796,095 sq. km. It has four provinces: Balochistan, North West Frontier Province (NWFP), Sindh and Punjab. The Islamabad Capital Territory and the Federally Administered Tribal Areas (FATA) and Federally Administered Northern Areas (FANA) are in addition to the four provinces. Pakistan has a population of 153.45 million.

### **A. Languages Spoken**

3. Urdu is the national language and English is the official language. A number of other regional languages are also spoken including Punjabi, Sindhi, Siraiki, Pashtu, Balochi, Hindko, and Brahui.

### **B. Constitution of Pakistan**

4. The Constitution of the Islamic Republic of Pakistan was adopted in 1973. Many of the rights in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – the core international human rights instruments, are protected in the Constitution.

### **C. The Parliament**

5. The Constitution prescribes a parliamentary form of government. Parliamentary elections for the National and Provincial Assemblies were held on 18 February 2008.

6. The parliament has two houses, the Senate which is the upper house, and the National Assembly which is the lower house. In 2002 the size of country's legislative bodies was increased and seats were reserved for women in the context of affirmative action. The system of separate electorates for minorities was abolished on their demand. The Senate now consists of 100 representatives with 17 seats for women and the National Assembly has 342 members of which 60 are women. Women also contest elections outside the reserved seats. Each Province has a Provincial Assembly. The four provincial assemblies have 728 members of which 128 are women.

7. At the local level there is a network of elected bodies. The devolution of powers has brought governance to the tehsil and zila- grassroots -level allowing communities and their representatives to take responsibility for decisions affecting their lives.

### **D. Judicial System**

8. The judicial system consists of the Supreme Court, provincial high courts, and other lower courts, that exercise civil and criminal jurisdiction. The Courts have the original jurisdiction to take *suo moto* action on fundamental human rights.

9. The Federal Shari'at Court decides if a civil law is repugnant to injunctions of Islam. Appeals against the decisions of the Shari'at Court can be submitted to the Appellate Bench of the Supreme Court.

### **E. Economy**

10. Pakistan, a developing country, has an agriculture based economy with a network of canals irrigating a major part of its cultivated land. The economy faced two major shocks in the past five years. In October 2005, earthquake in northern Pakistan took 73,000 lives and rendered 3.5 million persons homeless. In June 2007, heavy rains swept Pakistan and a Cyclone hit its southern coast affecting Baluchistan and Sindh provinces. The natural disaster claimed hundreds of lives throughout Pakistan and displaced over half a million people. The threat of terrorism also continues to manifest itself in many explosions and attacks. It has also had its impact on the economy. Despite these challenges, the economy has remained resilient.

11. According to the latest figures released by the Economic Survey of Pakistan 2006-2007, Pakistan's economy has demonstrated resilience despite challenges. Its real GDP has grown at an average rate of 7 per cent per annum during the last five years. Economic expansion helped increase per capita income by 11 per cent to \$925 at the end of the last financial year. Yet, increasing commodity prices and consequent inflation and trade deficits have produced new sets of economic and social challenges for the economy. Economic growth has had its positive impact on the social sector. The incidence of poverty at the national level decreased from 34.46 per cent in 2000-01 to 23.9 per cent in 2004-05. According to Pakistan Social and Living Standard Measurements (PSLM) for 2005-06, indicators pertaining to education such as gross and net enrollment at primary level and literacy rate have improved. Infant mortality is down from 82 to 70 during 2001-06. Increased use of contraceptives has led to decline in total fertility rate from 4.5 to 3.8 in 7 years.

12. The labour force in Pakistan is roughly 50.05 million with 46.6 million employed and 3 million unemployed. Nearly 43.37 per cent is engaged in agriculture and 56.63 per cent in non-agricultural activity/industry. Non-agricultural activities include manufacturing, trade, construction, services and transport etc. Within the non-agriculture sector, the major portion i.e. two thirds (64.6 per cent) of the employed persons was engaged in informal sector. The unemployment rate decreased from 6.8 per cent in 2003-2004 to 6.2 per cent in 2005-2006.

### **F. Political Transition**

13. Pakistan has been on the forefront of the war against terror. The fallout of the almost three decades of the Afghan war has been immense on Pakistan's political, economic and social fabric. The negative influence of the Afghan war has led to the emergence of a small but committed group of extremist elements in parts of Pakistan. These elements have used violence to achieve their objectives. They have attempted suicide attacks against the President, former Prime Minister and other political leaders. The suicide terrorist attack on 27 December 2007 led to the tragic killing of former Prime Minister Benazir Bhutto.

14. Pakistan has been undergoing a political transition to full democracy. A three-phased strategy of transition to take the country towards full democracy was pursued leading to general elections. Unfortunately, last November, the process faced the threat of being derailed by the activities of the extremist and terrorists. There was a clear threat that the process of growth and development could be stalled and even reversed if appropriate steps were not taken by the Government.

Pakistan had a vital stake in the normal functioning of state institutions and sustained economic growth. An equally important stake shared with the international community was the fight against terrorism. A state of emergency was declared in Pakistan on 3 November 2007 due to extenuating circumstances. These included the fact that extremism and terrorism were intensifying; and suicide bombings were happening all over the country.

15. After a month and a half, the emergency was lifted on 15 December 2007. It was followed by elections to the national and provincial assemblies on 18 February 2008. On 24 March 2008, the new Prime Minister was elected.

### **III. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR PROMOTION AND PROTECTION OF HUMAN RIGHTS IN PAKISTAN**

#### **The Constitution**

16. Several provisions of the Constitution, in the Preamble, the Chapter on Fundamental Rights and the Chapter on Principles of Policy are built on the principles of equal rights and equal treatment of all citizens/persons, without any distinction.

a) The preamble of the constitution aims at outlining the basic objectives of the State. It guarantees fundamental rights and freedoms including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, independence of judiciary and protection of the interests of minorities and backward and depressed classes.

b) Article 3 calls upon the State to eliminate all forms of exploitation.

c) Article 4 provides for the right of individuals to enjoy the protection of law and to be treated in accordance with the law. This applies to the citizens as well as "to every other person for the time being within Pakistan".

d) Under Article 8 any existing law or practice, inconsistent with or in derogation of the fundamental rights, shall be void. It further prohibits the State from enacting any law or policy, in conflict with Fundamental Rights except "any law relating to members of the Armed Force, or of the police ...charged with maintenance of public order ... for the purpose of ensuring the proper discharge of their duties ..."

e) Article 18 states "Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business".

f) Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone.

g) Article 26 provide for equal access to public places and equality of employment in the public and private sectors. It further clarifies that no distinction, as to the right of entry to such places, shall be made on the basis of race, religion, caste, sex, residence or place of birth.

h) Article 27 provides for equality of employment in the public and private sectors.

i) Articles 11 and 37 (g) prohibit trafficking in human beings as well as prostitution.

j) Article 32 makes special provisions for the representation of women in the Local Government.

k) Article 34 directs the State to take appropriate measures to enable women to participate in all spheres of national life and community activities. In addition Articles 25(3) and 26(2) allow the state to make special provisions for the protection of women and children.

l) Article 35 asks the State to protect the marriage, the family, the mother and the child.

m) Article 36 directs the State to safeguard the legitimate rights and interests of minorities, including their due representation in the federal and provincial services.

n) Article 37, clauses b and c - state "The State shall (b) remove illiteracy and provides free and compulsory secondary education within the minimum possible period (c) make technical and professional education generally available and higher education accessible to all on the basis of merit."

o) Article 37 (e) directs the State to make provisions for securing just and humane conditions of work and ensuring that children and women are not employed in vocations unsuited to their age or sex, and for ensuring maternity benefits for women in employment.

#### **IV. INTERNATIONAL INSTRUMENTS THAT PAKISTAN IS SIGNATORY TO**

17. Pakistan is state party to the following international human rights related instruments:

- International Convention on the Elimination of All Forms of Racial Discrimination.
- Convention on the Elimination of All Forms of Discrimination against Women.
- Convention on the Rights of the Child.
- Convention against Trans-National Organized Crime, 2000.
- ILO Convention 138 on Minimum Age for Employment.
- ILO Convention 182 on the Worst Forms of Child Labor.
- ILO Convention 111 on Discrimination (Employment and Occupation).
- ILO Convention 100 on Equal Remuneration, 1951.
- SAARC Convention on Prevention and Combating of Trafficking in Women and Girls for Prostitution.

Pakistan is signatory to the following human rights related instruments:

- International Covenant on Economic, Social and Cultural Rights.
- Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- Optional protocol to the Convention on the Rights of the Child on Children in armed conflict.

18. The process of ratifying the International Covenant on Economic, Social and Cultural Rights and signing the International Covenant on Civil and Political Rights and the Convention against Torture is close to completion. The Federal Cabinet has already given its approval in this regard.

#### **A. Laws giving effect to various provisions of Conventions Pakistan is signatory to:**

19. Numerous laws and administrative measures exist to directly or indirectly give effect to various provisions of Pakistan's Constitution on the International Conventions that Pakistan is party to. These include:

- The Muslim Family Laws Ordinance, 1961 (aimed at protecting the rights of women regarding marriage and divorce).

- The Child Marriage Restraint Act, 1929 prohibits marriage of minors and prescribes punishments for anyone, including a parent or guardian, for conducting a child marriage.
- The Family Courts Act, 1964 provides for constitution of Special Family Courts to adjudicate family cases e.g. divorce, maintenance and custody of children, etc. No court fee is payable in such cases and the courts are required to decide the cases expeditiously. The Act was thoroughly revamped in 2002 and longstanding demands of women's rights activists to make it more contemporary were incorporated in it.
- Prohibition for woman to be employed in a night shift (Section 45 of the Factories Act, 1934 and Section 23(C) of the Mines Act, 1923) or in hazardous occupations (Hazardous Occupations Rules, 1963).
  - The Mines Maternity Benefit Act, 1941.
  - The West Pakistan Maternity Benefit Ordinance, 1958.
  - The West Pakistan Maternity Benefits Rules, 1961.
  - The Provincial Employees Social Security Ordinance, 1965.
  - The Civil Servants Rules.
- Under the Pakistan Penal Code, 1860, (PPC) severe penalties are prescribed for the offences of kidnapping or abduction of girls/women under Sections 361, 363, 364A & 369, procurement of a girl (Section 366A-PPC) or her importation from abroad (Section 366B-PPC).
- The Criminal Procedure Code, 1898 provides for special treatment of women, when confronted with the law. The police may not enter a residential house, for arrest or search, which is occupied by a woman, till notice is given and such woman is facilitated to withdraw (Section 48. CrPC.)
- An accused woman can be arrested or searched only by a woman (Section 52-CrPC). The Court may also release a convicted woman, not punishable with death or imprisonment for life, on probation of good conduct, by executing a bond, with or without sureties (Section 562- CrPC).
- The law also provides for compensation. Under Section 545 of the Pakistan Criminal Procedure Code the court compensates the victim by ordering that payments from the fines taken from criminals be given to them.

### **B. Amended laws and provisions**

- Prevention and Control of Human Trafficking Ordinance in November 2002.
- Criminal Law (Amendment) Act, 2004 removing certain lacunae in the law to facilitate prosecution of the so-called "honour killings".
- Amendments have been made in the Hadood Ordinance through the Protection of Women (Criminal law Amendment) Act, 2006.
- Abolition of the system of separate electorates.
- Pakistan Citizenship Act 1951 was amended to give children of Pakistani women married to foreigners the right to Pakistani nationality.

### **C. Practical availability of these rights**

20. Any citizen can move any court, which has the relevant jurisdiction in case his/her fundamental rights are infringed. In practice, access to these avenues is limited for reasons such as the low level of literacy and also lack of awareness of one's rights. The Government and the civil society are offering legal help to those in need who are unable to afford it. Human rights activists, many of whom are lawyers themselves, provide pro-bono services to victims of human rights violations.

21. Other mechanisms to claim rights include the following:

- The Office of the Federal Ombudsman is mandated to "diagnose, investigate, redress and rectify any injustice done to a person through mal-administration". "Mal-Administration" is defined as including a decision which is "perverse, arbitrary or unreasonable, unjust, biased, oppressive or discriminatory".
- The Services Tribunal provides remedy to government servants.
- Labour Courts respond to complaints by workers.

## **V. CROSS CUTTING ISSUES**

### **A. Women's Rights**

22. Women comprise 49 per cent of the total population. The Constitution guarantees equal rights for all its citizens without any discrimination on the basis of cast, colour, sex, or race. The Government of Pakistan is making all efforts for empowering women in all spheres of life. Despite these efforts, however, unfortunate incidents do take place at times on account of deep-rooted tribal and traditional mindsets. Pakistan is mindful of these constraints and is committed to overcome them.

23. Pakistan ratified the Convention on the Elimination of all forms of Discrimination against Women in 1996. The last national report was considered by CEDAW in 2007.

### **B. Measures and affirmative action to empower women and eliminate discrimination**

24. A 'National Plan of Action' (NPA) was launched in 1998 touching upon all '12 Areas of Concern' flowing from the Beijing platform. A thirteenth area of concern regarding women with disabilities was added later. In 2002, the First National Policy for Development and Empowerment of Women was formulated by the President of Pakistan. This was a statement of intent of the GoP elaborating key policy measures for social, economic, and political empowerment of women.

### **C. Legal and social measures**

25. Violence against women (VAW) is a global concern. Pakistan is no exception. Affirmative actions taken in this regard, aim at creating a conducive environment to bring about the necessary attitudinal change. The National Policy for Development and Empowerment of Women specifically contains a section on violence against women (VAW). It emphasizes on:

- Adopting a zero tolerance policy regarding violence against women;
- Declaring "honor killing" as murder;
- Reviewing and revising police and medico legal procedures;
- Introducing positive legislation on domestic violence and reform;

- Reviewing government policies for women's shelters, and improving shelters for women in both public and private sectors, and promoting direct interaction and cooperation of all institutions/departments;
- Establishing family protection programmes at district level that provide women legal and psychological counseling and referrals to medical and legal aid mechanisms;
- Sensitizing all the police force on issues of VAW;
- In compliance with the Policy of ZERO Tolerance on Violence against Women (VAW), the following measures have been taken:
  - Law adopted against "Honour Killing" by the Parliament, called "Criminal Law (Amendment) Act 2004";
  - SAARC Convention on Trafficking in Women has been ratified;
  - Control of Human Trafficking Ordinance 2002 has been passed;
  - Prevention of Anti Women Practices Criminal Law (Amendment) Bill 2007", is under review of the Standing Committee of the National Assembly;
  - With government and civil society alliance, sexual harassment at work places, both at the government and private sector has been made a grave misconduct and punishable offence; A draft code of conduct for gender justice at workplace has also been designed with the assistance of a local NGO working on the issue.
- The original Citizenship Act of 1951 was amended in year 2000, providing for nationality to the children of foreign spouses;
- A Bill on Domestic Violence is being debated in parliament.
- Criminal Law (Amendment) Act, 2004 has removed certain lacunae in the law to facilitate prosecution in case of so-called "honour killings".
- Amendments have been made in the Hadood Ordinance through the Prevention of Anti Women Practices (Criminal law) Amendment Act, 2006. The new law is designed to end practices such as preventing or obstructing women to get share in inheritance, selling of woman, forced marriage, Nikah with the Holy Quran, custom of 'Vani' or giving a woman in marriage to settle a feud and the custom of triple divorce.
- The Protection of Women (Criminal law Amendment) Act 2006 has amended the Zina and Hadood Ordinance to ensure that women's rights are protected and the Hadood laws are not misused. The objective of the Act is to bring the laws relating to Zina and Qazf in conformity with the stated objectives of the constitution and the Injunctions of Islam. Section 310 of the Pakistan Penal code was amended to outlaw exchange marriages (Vani and Swara). The accompanying sentencing guidelines for those found guilty is a minimum of 3 years and a maximum of ten years imprisonment.
- Also, further initiatives have been taken to support the efforts of the GoP in assisting/facilitating women victims of violence:
  - Gender Crime Cell has been created by the Ministry of Interior in the National Police Bureau to monitor and address crimes against women;



- Ministry of Human Rights has been created which monitors and addresses human rights violations and trends in the country with special reference to women;
- Monitoring Committees have been set up at the federal, provincial and district levels for implementing key policy measures. These Policy Monitoring Committees are functional at the federal and provincial levels (in 32 districts);
- Separate Complaint Cells headed by women police officers have been set up in existing Police Stations to assist abused women and female victims of crime and violence. Round the clock service is available to register complaints.
- A Federal Cabinet Committee has been formed to monitor and establish institutionalized follow-up of cases of violence at the highest level. The Committee regularly examines, monitors and reports the status of the subject to the Cabinet. The National Committee on Prevention of Violence Against Women, headed by the Interior Minister and assisted by the Gender Crime Cell, monitors Gender based crimes.
- The network of Women Centers and Shelters at district levels is being expanded to include legal and social support mechanisms for the women.
- Induction of Women Police Officers on the prosecution side, especially in gender based crimes, is being encouraged.
- District Sessions Judges can now call for judicial inquiry in custodial rape cases.
- Crimes involving women are investigated by a Female Police Investigating Officer where available.
- Around 1300 women in jails for crimes other than terrorism and murder were released on bail in 2006, under the Law Reforms Ordinance, 2006.

#### **D. Institutional mechanisms**

26. The Federal Ministry for Women Development and provincial Women's Development Departments (WDD) are working to improve the condition of women. A National Commission on Status of Women was established in 2000, to examine all policies, programs and measures for women development and gender equality.
27. The *Gender Reform Action Plan (GRAP)* was approved by the Federal Cabinet in May 2005, in order to undertake a coherent gender reform agenda through a phased implementation process with particular focus on gender mainstreaming. GRAP is introducing reforms for (a) Political Participation by Women; (b) Institutional Restructuring; (c) Women Employment in Public Sector; (d) Gender Responsive, Policy, Budgeting and Public Expenditure Mechanism; (e) Capacity Building Interventions.
28. *Jail Reforms* include setting up separate jails for women, improving the physical environment and staff conditions; and the protection of women and juveniles from abuse and their eventual rehabilitation. Gender sensitization is being advocated, inter alia, by including gender aspects in the curriculum of police training colleges.
29. *Access to Justice Program (AJP)* is a comprehensive plan being implemented by the government through assistance from the Asian Development Bank (ADB). The focus of this program includes institutional reforms and delay reduction in courts. This aims at ensuring women's access to justice as litigants. Some achievements of

this program include setting up information kiosks in courts, and constructing waiting areas and basic amenities like ladies rooms in court complexes.

30. Also, advocacy and awareness about human rights including gender equality and rights of the child have been incorporated in school curricula.

31. With assistance from the UNDP, a three year long project on Gender Mainstreaming, has been launched for developing gender-screening tools for stakeholders. Public sector officials are being trained under this project on gender sensitization and mainstreaming.

32. The Ministry of Finance with the support of the Gender Responsive Budgeting Initiative (GRBI) project, has incorporated gender-sensitive amendments in the government's Medium Term Budgetary Framework (MTBF) Budget Call Circular (2007-08). This budget call circular will be used by the three pilot GRB Ministries - Education, Health and Population Welfare- as well as by 12 other ministries that have so far been included under the incremental MTBF reform.

33. The creation of a gender sensitized statistical organization for the compilation of gender statistics helps in gender sensitive policy formulation. The compendium has been printed and is available on the website of the Federal Bureau of Statistics.

### **Economic empowerment**

34. A number of income-generation projects, like 'Crop Maximization Project', 'Integration of Agricultural Research and Extension Activities', 'Introduction of Herbs as Crops', the 'Three-Year Training Program for Rearing Livestock and Dairy Animals' introduced since 2001 - 02 (under implementation) are expected to provide direct benefits to rural women. Similarly, under the 'National Fund for Advancement of Rural Women (Jafakash Aurat) Project' with seed money of Rs. 100M, has a special focus on rural women and the informal sector- nearly 23,000 women, covering 74,000 household are the expected beneficiaries. The Fund is being operated through commercial banks like Khushhali and First Women Bank, Thardeep Rural Support Programme (TRDP) and the Agha Khan Rural Support Programme (AKRSP), simultaneously providing skill, employment and income, especially to rural women. Under the Micro Credit Scheme, a new entrepreneurial class among disadvantaged women is being created.

35. In key/strategic Ministries Gender Development Sections have been established. Katmandu Declaration signed by Pakistan is helping to develop policy to address the situation of home based workers. Women employment schemes are being developed. Legal and administrative measures taken in this regard include:

- Ratification of Convention 100 of ILO on "Non Discrimination of wages on the basis of sex".
- The GOP-ILO project on "Women Employment Concerns and Working Conditions" aims at strengthening the capacity of women in Trade Unions and Chambers of Commerce;
- Minimum wage has been enhanced to RS 4000 per month during the financial year 2006-2007.
- Women hold important policy and decision making positions, for example:
- The Governor State Bank of Pakistan is a renowned woman economist;
- Pakistan has 12 women Ambassadors (in Denmark, Egypt, France, Ireland, Italy, Poland, Portugal, Spain, Switzerland, Mexico, United Kingdom, and Zimbabwe)

- Two women officers from the medical corps of Pakistan Army have been given the rank of Major General;
- Young women are being recruited as commissioned officers in the armed forces. Two of them have even been awarded the swords of honour for their outstanding performance as trainees;
- Special tax concessions are given to the salaried women in both the public and private sector;
- Day-care centers have been set up for children of working women by both the public and private sector.

### **E. Political participation**

36. Political empowerment of women in the past five years has been unprecedented. Women hold important decision making positions at the federal, provincial, and local levels. The Devolution Plan through the Local Government Ordinance 2001 is considered as a watershed for political empowerment of women in Pakistan. It lays down 33 per cent representation of women at all tiers of local elected bodies (39,964 women are working as councilors). Apart from reserved seats for women at all levels, women can also contest elections on general seats. This has revolutionized political participation of women in Pakistan. The establishment of 'Women Political School with the help of UNDP/international donor agencies and the setting up of 'District Resource Centers' for women have helped in awareness raising amongst women to play effective roles as public representatives.

37. Pakistani media has also assumed its responsibility as defenders of women rights. Our Media is playing a positive role by highlighting instances of violence against women and discriminatory practices. 38.

Stereotypical roles of women depicted through the media in the past are now being challenged and women are now being portrayed in more diverse roles.

38. Through an active awareness campaign, the Government has launched special programs including talk shows and dramas on women's rights and on elimination of all discriminatory practices through radio, television and other media.

39. The judiciary is playing a pivotal role in protecting women's rights in Pakistan. It has taken suo-moto cognizance of a number of incidents involving violence against women. Conscious efforts are being made to further sensitize the judiciary on women's issues. Women are being encouraged to join the legal and judicial profession. More and more women are entering law schools. The curriculum of the Federal and Provincial Judicial Academies now includes a module on gender sensitization.

40. Civil society organizations and NGOs have played a significant role in the empowerment of women. Their constant support, monitoring and constructive criticism have rendered positive assistance to the government in its endeavors towards mainstreaming women.

41. The State suffers from a serious lack of resources. There is also a cross sectional lack of awareness and entrenched societal attitudes relating to women and women's rights. This affects the range and quality of initiatives that can be taken for the promotion and protection of women's rights. A number of stereotypes with regard to women's role continue to prevail. This sometimes results in constitutional and legal guarantees against discrimination not being fully implemented. At times actions, which have no religious sanction, are justified on the basis that these are Islamic.

## F. Children

42. Pakistan is a State Party to the Convention on Rights of the Child and has been reporting on the implementation of its obligations under the Convention. Our last report was submitted to the Committee in 2007.

43. Pakistan signed the "SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution". Cross-country trafficking can be addressed effectively through its operationalization.

44. The Government of Pakistan has adopted a number of measures to give effect to the implementation of the CRC: These include (a) The introduction of the second National Plan of Action for the well-being of Children; and (b) Changes in different laws related to children; includes increase in the age for criminal liability.

45. Amendments have been made in the Hadood Ordinance through the Prevention of Anti-Women Practices (Criminal Law) Amendment Act, 2006, for greater child protection.

46. Pakistan has made progress towards achieving MDGs- Gross Enrolment Rate (GER) has increased from 72 per cent in the year 2000-01 to 87 per cent in the year 2005-06. Net Enrolment Rate (NER) has also shown an upward trend. Pakistan has made progress in NER at primary school level. Infant mortality rate at 70 and under five mortality rate at 100 are showing exponential decline. The Ministry of Education launched the National Plan of Action for Education for All in April 2003, for achieving universal primary education by 2015. Gender disparities are being narrowed through mixed primary schools, compensatory programs, focusing on missing facilities in girls' schools and appointment of female teachers. According to EFA goals and targets, by 2015, all children, with special emphasis on girls and children in difficult circumstances, should have access to completely free education. It also aims at eliminating gender disparities in primary and secondary education and achieving gender equality in education by 2015.

47. A *Child Protection Bill* is under parliamentary consideration. A Child Protection Policy is also being formulated. The objective is to have a formal policy to protect children from harm and abuse.

48. An assessment of the child protection monitoring and data collection system has been made in 2007 and a child Protection Monitoring and Data collection system is being developed. This will help in coordination among concerned Ministries and Provincial Governments. The draft Child Protection Policy makes legal provisions for:

- Definition of a child as under 18 years of age.
- Definition of child sexual abuse and sexual exploitation with penalties.
- Revising minimum age of criminal responsibility from 7 to 12 years.
- Definition of internal trafficking of children with penalties.
- Eliminating Child domestic work.
- Abolishing Corporal Punishment.
- Rules and regulations for provision of protective services for children, including minimum standards of care, "kafala" of children orphaned or without parental care; and social protection of the children in economically disadvantaged families.

49. Also the following are in the process of formulation/implementation:

- National Policy for the Protection of Orphans and Vulnerable Children is being prepared for earthquake affected areas,
- The Employment of Children Act 1991 has already been reviewed and changes have been made. Child labour is prohibited in 4 occupations and 34 processes,
- To prevent trafficking in general and child trafficking in particular, the "Prevention and Control of Human Trafficking Ordinance, 2002" has been promulgated. This provides protection to victims by imposing harsh penalties of up to 14 years imprisonment and fine. Rules under this Ordinance called Prevention and Control of Human Trafficking Rules 2004 provide guidelines to law enforcing agencies on victim rehabilitation and compensation and rehabilitation for reintegration and prevent child trafficking,
- Punjab Destitute and Neglected Children Act 2004 was promulgated by the Punjab Government under which Child Protection and Welfare Bureau were established to provide shelter, education, health and referral services to neglected children,
- Children Protection, Monitoring and Data collection System is being set up by National Commission for Child Welfare and Development in collaboration with UNICEF with the objective of assessing situation of child rights in the country,
- The Juvenile Justice Ordinance 2000 (JJSO) recognizes the special requirements of children. In implementation of JJSO the following measures are being taken:
  - Death penalty for individuals under 18 years of age has been prohibited.
  - All juveniles that the court cannot release on bail because of various reasons: "should be placed under the custody of a Probation Officer or suitable person or institution dealing with the welfare of the children if parent or guardian of the child is not present, but shall not under any circumstances be kept in a police station or jail in such cases".
  - Brochures and posters have been published about the role of Probation Officers and significance of the probation system. As a result, the number of juvenile probationers has risen during the reporting period. JJSO 2000 guarantees that a child accused of or victim of, an offence, has the right to legal assistance at the expense of the State. High Courts of all the Provinces have directed District and Sessions Judges to establish panels of lawyers to extend legal assistance to juveniles at the expense of the State. Civil Society Organizations are also extending free legal assistance to under trial juvenile inmates.
  - Juvenile Courts with exclusive jurisdiction to try cases in which a child is accused of committing an offence are being established.
  - A child arrested for a non-bailable offence must be produced before the Juvenile Court in less than 24 hours.
  - A child arrested for a bailable offence should be released by the court on bail. A child should not be kept in a police station.
  - Children cannot be sent to ordinary prisons but to a Borstal Institutions. Since Borstal Institutions are limited in number, juvenile inmates are kept in separate sections of prisons. Efforts are being made to improve prison conditions for juvenile inmates.

- The training curriculum in the Federal Judicial Academy for judges includes the Juvenile justice system.
- Special emphasis is placed on sensitizing police officers on human rights issues. Violence against women and children has been included in a one week module for police officers in National Police Academy.

50. Challenges facing implementation of the JJSO include limited resources i.e. funds for legal assistance, establishment of new borstal institutions and establishment of a juvenile justice system in Federally Administered Areas and the establishment of the Exclusive Juvenile Courts.

### **G. Persons with Disabilities**

51. A National Plan of Action to implement the National Policy for Persons with Disabilities has been finalized. NPA 2006 includes early intervention, assessment and medical treatment, education and training, vocational training, employment and rehabilitation, research and development, disabled friendly buildings, parks and public places, strengthening of institutional mechanisms and adequate funding.

52. The Directorate General of Special Education in collaboration with Ministry of Education and provincial departments of education is working on a Pilot Project for Integrated Education of Children with Disabilities. To attain the goal of mainstreaming, 14 regular schools of the federal/provincial Governments have been selected for inclusive education with targets of 25-50 students each year in each school. The equipment provided to 14 selected primary schools each for boys and girls includes Braille Machines, Audiovisual, hearing aids, wheel, chairs, crutches, other education equipment and furniture items. Similar programs are initiated with the technical and financial assistance of Sight Saver UK, World Bank and Brailow Norway. The main purpose of this program is to shift from a focus on disability to seeing inclusive education as fundamental right of every child and a means of meeting the Millennium Development Goals.

53. Five major cities of Pakistan Islamabad, Peshawar, Karachi, Quetta and Lahore have been declared disabled friendly cities. Ministry of Social Welfare and Special Education has made arrangements in the Melody Food Market in Islamabad for recreation of special persons.

54. To provide recreational facilities, a Park for the Disabled has been constructed in F-9 Park, with all the facilities, entertainment, games, and open air theatres. This park is unique and one-of-a-kind in South Asia in view of the facilities it offers.

55. Directorate General of Special Education has prepared Design Manual and Model Projects for building bye laws and creation of barrier free environment for special persons. The design manual has been prepared on the assumptions that normal building bye laws and codes, regulatory mechanisms and implementation of the framework of building and planning control and approvals already exist and are operative at the local, provincial and federal government levels. The accessibility codes supplement the regulatory infrastructure to meet the specific needs of people with disabilities regarding the use of building facilities.

56. The National Institute for Handicapped is also working to provide health care facilities for all types of disabilities. Besides routine health services for the handicapped the institute has introduced tests and provides innovative rehabilitative techniques, does research and acts as a repository of information related to disabilities, provides technical support and guidance to policy makers and planners and the system as a whole on the care of the disabled.

57. National consultations on the decision of signing the Convention on Persons with Disabilities are about to complete.

## 1. Economic rights

58. Pakistan's growth performance over the last five years has been helpful in creating jobs and therefore reducing unemployment and poverty. The poverty headcount had fallen from one-third to less than one-fourth of the population. The confluence of growth accelerating government policies and annual growth of 21 per cent in pro-poor expenditures during the period has contributed to approximately 13 million people moving out of poverty. In the immediate to short-run the challenge is to maintain the hard won improvement in poverty levels and even improve it through sustained growth in the range of 6-8 per cent per annum.

59. Since 2002, the economy created 10.62 million jobs, thereby reducing the open unemployment rate to 6.2 per cent by 2005-06. Development expenditure as a ratio of GDP, increase in human capital base, and openness of the economy are some important factors that helped reduce absolute poverty levels in Pakistan.

60. On the debit side, food inflation is increasing poverty levels. The economy has witnessed a gradual increase in all the former set of determinants, while food inflation remained benign till 2004-05. The 2006 was also the year of successful culmination of 3-year Poverty Reduction Strategy Program I (PRSPI). During the period, pro-poor expenditures rose from Rs. 167.25 billion in FY 02-03 to Rs.452.4 billion in FY 05-06. As a ratio of GDP the pro-poor expenditures rose from 3.9 per cent in FY 02-03 to 5.6 per cent in FY 06-07. PRSP-II covering the period FY 08-10 is in the final stages of completion and approval. The ambitious PRSP II strategy relies on higher incomes from demographic dividend, consumer credit and economies of scale from higher domestic consumption and bigger domestic markets to accelerate the economic growth rate, achieve competitiveness in exports and thereby reduce poverty.

61. Pro poor programmes include:

- The Food Support Program (FSP) launched in August 2000 with an annual budget of RS 2.5 (b) has been extended because of its efficacy and appeal to target communities. In the current financial year 2007-08 the annual budget of FSP has been increased from RS 4.38 (b) to Rs.6 (b). A third party Program and Management audit for impact analysis of the program was carried out in 2001, according to which 96 per cent beneficiaries deserved the assistance.

- Annual subsidy of RS 3000/- is paid to 1.5 million households i.e. 13.6 million beneficiaries (at 6.8 persons per household). The focus is on the most economically disadvantaged. Economically disadvantaged minority community households have 3 per cent quota. Women headed households are given priority.

- Food Support Steering Committees have been constituted at Federal, Provincial, Regional and District levels for implementation and monitoring of the program. Beneficiaries are identified and approved by the District Food Support Steering Committees (DFSSCs). Assistance is provided in the following order of priority: Individuals with major ailments/disability; widows with dependent children; invalid with dependent children; orphans; elderly and destitute.

- The Child Support Program was launched from 2006-07 for Food Support Programme beneficiaries at the rate of Rs.200 per month to family with one child and RS 350 per month to families with two or more 5-12 years old conditional on sending their children to school.

- The social insurance system in Pakistan includes Old Age, Invalidity and Widow Pensions and Health Care governed by the Employees Old Age Benefits Institution (EOBI) and Provincial Social Security Institutions. Old age benefits are provided by EOBI. Medical care is provided through social security hospitals and health dispensaries.

- The Employees Old Age Benefits Institution (EOBI) is funded by an employer contribution of 5 per cent of wages and a limited Federal contribution and provides monetary benefits to its insured members in their old age.

- The Workers Welfare Fund helps finance development projects like the establishment of labour colonies and construction of houses, hospitals and schools for industrial workers and to finance education, training, re-skill and apprenticeship for the welfare of workers. Employers of industrial establishments in the private sector under the WWF Ordinance 1971 are required to pay 2 per cent of their assessable income exceeding 0.1 million in any year of accounts to the Fund. The fund has established 38 schools across the country in which 30,000 students are enrolled. Free education up to Matric is being provided to children of workers. Scholarships are being given to 5,000 talented children of workers.

- In 1998 "Housing Backlog" was 4.3 million units which increased to 6 million in 2004, indicating an annual incremental demand of 570,000 units, whereas supply is around 300,000 units. The MTFD 2005-10 proposes construction of new housing units in a manner that by 2010 entire incremental housing needs to be met by creating effective demand for the housing sector through provision of credit facilities, particularly micro-credit to low income groups and incentives as enacted in the PRSP.

- Expanding the water supply and access to sanitation are a priority for the Government:

- The PRSP projection for access to clean drinking water for the 2004 was targeted for 89 per cent coverage in urban and 83 per cent coverage in rural areas. According to a recent survey, this access has declined particularly in rural areas i.e. from 80 per cent in the year 2001-2002 to 76 per cent in the year 2004-05; perhaps due to the fact that use of hand pumps as resource of drinking water in rural areas has declined by 17 per cent during the same period.

- Under President's initiative, all the Union Councils are required to have filtration plants for safe drinking water. An allocation of Rs.7 Billion has been made to achieve this target. The National Environmental Policy 2005 is geared towards protecting, conserving and restoring Pakistan's environment and the MTFD incorporates a significant increase in budgetary resources for this purpose. Mega projects for improving access to clean drinking water, namely 'Clean Drinking Water Initiative' and 'Clean Drinking Water for All' are being implemented.

- The MTFD aims to increase the water supply systems coverage from 65 per cent in 2005 to 76 per cent in 2010, and sanitation coverage from 42 in 2005 to 50 per cent in 2010. A particular emphasis would be rural water supply and sanitation, with full coverage of all villages having population in excess of 100 households during the MTFD.

- The National Sanitation Policy was approved in September 2006; the Policy resolves to meet the Millennium Development Goals (MDGs) and targets whereby the proportion of people without sustainable access to improved sanitation will be reduced by half, by the year 2015 and 100 per cent population will be served by 2025 with improved sanitation.

- UNICEF has been providing major support to the government in the finalization of the draft National Drinking Water Policy.



## 2. Education

62. The Government's Education Policy (1998-2010) and the Education Sector Reforms (ESR) Action Plan 2002-2006 recognizes the fact that quality of education is an important factor in national development. The monitoring of learning achievements of students is, therefore, one of the key components to assess and to improve the quality of education. National Education Assessment System (NEAS) is one of the key programs under the Education Policy to improve the quality of education at elementary level. The program aims to develop national capacity for monitoring the learning achievements of elementary level students in order to improve the quality of services (curriculum, textual material, teachers' delivery, policy formulation, etc) in the education sector.

63. Education in general and primary education in particular is on the concurrent list of the Constitution. After nationwide devolution in 2001 education up to grade 12 is a district subject. All implementation lies at district and provincial level. However; three of the four provinces, Federally Administered Areas and the Islamabad Capital Territory (ICT) have compulsory primary education laws. Primary education was made compulsory in the provinces.

64. The lack of physical infrastructure is becoming one of the major causes for low enrolment and high drop out rates in the country. Rs. 1.05 billion has been earmarked for 2006-07 for the provision of missing facilities to the government schools under the Education Sector Reforms. This would be spent on provision of water, toilets, science and computer labs and other facilities. The program would continue until infrastructure and facilities in all schools are upgraded.

65. An Education for All (EFA) National Plan of Action (NPA) has been developed through broad-based consultations with principal actors of EFA and other stakeholders. The Ten Year Perspective Development Plan 2001-2011 links education with other social sectors and views EFA as the centerpiece of human capital formation. Emphasis is placed on three priority areas, with targets to be reached by 2015, namely:

- Universal primary education and quality EFA.
- Raising the net participation rate of early childhood education to 50 per cent.
- Adult literacy rate rose to 86 per cent.

66. The Ministry of Education launched the National Plan of Action for Education for All on 3rd April 2003, for achieving universal primary education by 2015. Gender disparities are being narrowed through mixed primary schools, compensatory programs (nutrition, stipends) targeted towards girls at the primary, middle and matric levels, and appointment of female teachers.

67. In Pakistan, education is provided by public and private sector at 65:35 per cent ratios. Most non-state providers or private sector charge fees. However, some philanthropic providers provide free or virtually free of cost education such as the Citizen's Foundation, as well as the Provincial Education Foundations through its Financially Assisted Schools (FAS) program is ensuring that education is provided free of cost at Rs.300 per child in non-elite private schools. Education Foundations being quasi government institutions are acting on behalf of the government to buy places for children in the private sector up to secondary level to provide choice and quality. The National Education Foundation and the Sindh Education Foundation also subscribe to highly subsidized community based schools for the disadvantaged. The overall reach of these programs is about .5 million children.

68. Overall gender gap in the GER has been considerably reduced. This can be attributed to increase in female enrolment rate during the same period. There are areas in which significant progress has been made and indicators point to a steady though slow improvement in the ratio of girls to boys at all levels of education, the ratio of literate females to males, share of women in urban employment (as proxy indicator for share of women in wage employment in non-agricultural sector) has improved marginally and improvement in participation of women in national decision making process.

69. There are several explanations for this persistent gap in literacy. A recent World Bank Country Gender Assessment Report 2005 highlights the two most important constraining factors that impede female access to education. Distance from school and physical costs of attending schools for girls affect their enrollment. The latest PRHS-2 2004-05 also indicate lack of access of girls.

70. To encourage regular attendance at schools and to reduce drop out rates many positive measures have been taken. Extensive compensatory support programs are in place to offset costs of education and reduce household burden. In the far flung areas of Pakistan there are large initiatives of World Food Program and Tawana or School Nutrition Program to support students and their families. The latter program in progress across 25 poorest districts in the country was reviewed and revamped from providing hot cooked meals on the premises to high nutrition milk and biscuits and scaled up to 55 districts. However, this is restricted to government schools targeting girls and mixed schools. Provincial Governments have waived user charges and are providing free books up to matric level, to attract students who cannot continue their studies due to poverty. Scholarships are being provided, particularly to female students to increase enrolment.

71. The reforms program for Madrassahs (seminaries) has been termed "mainstreaming of Madrassahs", providing insertion of additional subjects offered in regular schools, teachers support, training and maximum perks to teachers and improving the quality of education. More than 95 per cent of the country's estimated 13,000 Madrassahs had been registered. Madrassahs students constituted 4.5 per cent of the enrolled students in the country. Pakistan Studies, English, Mathematics and computer science has been incorporated in the curricula of Madrassahs.

72. A project titled "Madrassahs Reforms" was launched in 2002-03 with the directive of the President for a period of 5 years at a capital cost of Rs. 5759.4 million. The main objective of this program is to provide financial assistance to 8000 Deeni Madaris (religious seminaries) to introduce formal subjects in their curricula. The progress made toward the goals of this reform program include, simplification of the process of registration of Madaris, the standard procedure prescribed by the Ministry of Interior to control funds has produced positive results, a large number of Madaris have applied to provincial/area governments for financial assistance under the project, Most of Madaris in AJ&K have been cleared for financial assistance and a great breakthrough by the FATA administration have been made by distributing checks among registered Deeni Madaris.

## **H. Vocational education**

73. National Education Policy 1998-2010 advocates the development of technical and vocational education in the country for producing trained manpower. Under ESR Action Plan 2001-2006, a nationwide program of 'third stream' or vocational technical stream was introduced in grades IX-X to enable secondary level students for the vocational options.

## **I. Human rights education**

74. Human Rights Education Curricula has been developed through consultative processes at the Curriculum Wing of the Ministry of Law, Justice and Human Rights 2001 with the support of the Norwegian and Canadian governments. This Ministry in cooperation with Norway (NORAD) and Government of Switzerland worked

jointly with the Ministry of Education on a project "Human Rights Mass Awareness for Education". The most important step taken in this direction is the incorporation of the main concepts related to child rights into curriculum and teachers training materials. The materials produced have been incorporated in the relevant subjects taught at school levels. Textbooks contain messages of human rights together with articles of the Universal Declaration of Human Rights. In Sindh textbooks on human rights education, citizenship and conflict resolution education have been integrated in the government prescribed social studies textbooks of primary and elementary levels. The new National Curriculum has made efforts to include principles of human rights, upholding diversity and difference along with universal rights.

## **J. Health sector**

75. Allocation to health sector over the past few years has shown progress. At the federal level a new approach for resource allocation with considerable inclination towards preventive interventions, have been implemented under the Mid Term Budgetary Framework. Under MTBF, the MoH aims at enhancing allocation to health sector with an average annual increase of 16 per cent. Preventive share in the total allocation is being enhanced from less than 55 per cent at present to about 65 per cent over the next few years through a rolling plan. The MTBF approach will be extended to provincial health departments.

76. New programs have been started to improve the health situation. These programs include National Hepatitis Control Program, Maternal and Neonatal Child Health Services, Prevention of Blindness, Integrated Management of Childhood Illnesses and National Nutrition Program including micro nutrient malnutrition through fortifications, supplementation and diversification.

77. Child mortality rates have shown a steady decline. Pakistan is on track to accomplish the MDG target for child mortality, but challenges like inadequate access to health services, poor utilization of PHC facilities and low health expenditure need to be addressed for timely achievement of the targets.

78. In relation to immunization, the GoP is committed to the Extended Program for Immunization (EPI), and has projected EPI coverage of more than 80 per cent in the near future. The incidence of diarrhea has seen a steep decline. Emphasis on the treatment of diarrhea dehydration through oral dehydration therapy (ORT) has helped to keep mortality due to diarrhea in check, despite the stagnation in the rate of fall of the incidence of diarrhea. There are marked intra-category variations, but no consistent trends can be seen between urban-rural data or over time.

79. Lady Health Workers (LHW) provide important services and substantial coverage of population for creating awareness of *mother-child welfare practices* as well as to complement immunization coverage and outreach programs. The LHWs' coverage of the target population of 121,003,280 (100 per cent rural + 30 per cent urban slums) is 75 per cent through its 96000 LHWs and expected to reach 100 per cent eventually.

80. In March 2007, the single largest project costing Rs26.5 billion was approved in the health sector on a countrywide basis. The cost of National Program for Family Health Program for Lady Health Workers was increased by Rs5 billion because of its success involving about 96,000 LHWs. One of the most significant indicators for women's health and availability of essential health care services is maternal mortality ratio. MMR stands as high as 350-400 per 100,000 live births in Pakistan. This is mostly attributed to a high fertility rate, low skilled birth attendance rate, illiteracy, insufficient access to emergency obstetric care services, malnutrition and socio-cultural practices which limit women's choices and mobility.

81. The Government approved a National Maternal, Newborn and Child Health (MNCH) Program in November 2006. The program is based upon the recommendations of the Framework, which was a result of extensive consultative workshops at provincial and district levels, and which was endorsed by the Prime

Minister of Pakistan and unanimously adopted by all provinces and AJK in the National Public Health Forum in April 2005. WHO and other partners were instrumental in supporting the Government efforts to establish this important program.

82. Government of Pakistan (GoP) is committed to improve maternal and child health through a number of interventions e.g. the Maternal and Newborn Child Health Program. The program provides an important strategic arm both for the National Health Policy (2001), Ten Year Perspective Development Plan, National Poverty Reduction Strategy Papers, and Medium Term Planning Framework 2005-10. The overall vision is to ensure "health for all" with attention directed towards the primary and secondary levels of the health care system coupled with community outreach services through an integrated system-wide approaches.

83. The program aims to fill in the gaps in health service provision in the country with a view to reinstate the trust of the communities in the public sector health system and to provide them services that are of a high standard and are affordable. This program together with the provincial contribution will reorient the health system to be more consumer-friendly and rationalize the use of existing resources through coordination with other major health programs.

84. Planning Commission of the Government of Pakistan has approved the National MNCH Program revised PC-1 which costs 20 billion Rs (equivalent to US\$333 million approximately) for 5 years (2006-2012). About 60 per cent of which has been secured by the Government while 40 per cent are pledged by international development partners. This is a comprehensive program aiming at strengthening, upgrading and integrating ongoing interventions and introducing new strategies. The program will:

- Strengthen district health systems through improvement in technical and managerial capacity at all levels and upgrading institutions and facilities.
- Streamline and strengthen services for provision of basic and comprehensive emergency obstetric and newborn care (EmONC) and supportive outreach services and community-based interventions.
- Integrate all services related with MNCH at the district level.
- Introduce a cadre of community-based skilled birth attendants (community midwives).
- Increase demand for health services through targeted, socially acceptable communication and mobilization strategies.

85. The estimated population covered and served by the program is approximately 110 million. The Program will be implemented in two phases: launching and initiation 2007-2009 and expansion and consolidation 2009-2012. The program is co-financed by GoP and DFID.

86. The recent National Nutrition Survey 2001-02 (Government of Pakistan, UNICEF and PIDE) shows an improvement in levels of malnutrition, with an average of 41.5 per cent underweight compared with 51.5 per cent in National Nutrition Survey of 1985-86.

87. The National Nutrition Strategy addresses the population's nutritional needs at every life stage including pregnant women, infants and children, adolescents, adults and geriatrics. The strategy outlines four types of intervention strategies: behaviour change communication strategies, fortification strategies and programs, food safety and regulatory issues and institutionalization of nutrition and management strategies. In this regard, the National Plan of Action for Control of Micronutrient Malnutrition has been launched and the Nutrition Strategic Plan of Action has been approved.

88. The Government of Pakistan is channeling its response to HIV and AIDS through the NACP, which is an umbrella project coordinated through a federal cell which lays down the policy guidelines for implementation through provincial AIDS Control Programs and NGOs. This multi-sectoral national strategic framework, as espoused by the NACP, focuses mainly on prevention. Other measures taken to date include the recent ordinance on safe blood transfusion services whereby any health worker transfusing blood or blood products will ensure that the blood is healthy and free from HIV and opportunistic infection. An extensive media campaign to raise awareness about prevention and cure of deadly diseases such as Tuberculosis and HIV AIDS remains a permanent feature of the Government's health care schemes.

### **1. Minorities**

89. To protect and safeguard religious, social and cultural rights of minorities, the Government has set up a National Commission under the chairmanship of Minister for Minorities. The Commission has representatives from all minority communities in the country. An exclusive Ministry of Minorities has been established to protect the rights of minorities as envisaged in the Constitution of Pakistan. The Ministry is tasked with the formulation and implementation of policies to promote welfare of minorities, safeguarding their rights, protection against discrimination, upkeep of their religious places/properties and expeditious socioeconomic uplift without any discrimination. A "Special Fund for the Uplift of Minorities" is operative in the Ministry of Minorities since 1985. The Fund is utilized for financial assistance to needy individuals from minority communities as well as the implementation of small development schemes for minorities. In addition, a special fund has been established to achieve optimal induction/enrollment of talent from minority communities in academic institutions. Applications for scholarships from this fund are invited each year through the press. These applications, after scrutiny, are processed and scholarships are awarded to eligible applicants. In the year 2007, 1388 students benefited from the scheme.

90. The Government introduced the "National Cultural Awards Scheme" in 1976 for the promotion and preservation of culture of minority communities. Under this scheme, a certificate and cash prize of Rs. 50,000/- are granted in the fields of literature, education, medicine, engineering, performing arts, folk arts, computer sciences and sports.

91. In the context of efforts to protect minorities from discrimination, the Government has taken a unique step to target the sources of prejudice at district level. The Provincial Governments have established District Interfaith Harmony Committees with representation from prominent religious leaders of minority and majority communities. The Committees meet regularly on monthly or quarterly basis to review the situation prevailing in the district with regard to the security and welfare of minorities, promotion of inter faith harmony, and building up better understanding between majority and minority communities.

92. In addition, the Evacuee Trust Property Board (ETPB), an autonomous body, maintains religious shrines and provides facilities for minority pilgrims. ETPB conducted the visit of a record number of 24,000 Sikh and Hindu pilgrims from all over the world to their holy places on 6 festivals in 2004-05 alone.

93. In order to improve services provided by the Police, the Government introduced a new police law, Police Order 2002 which provides for the establishment of Public Safety Commission at the federal, provincial and district levels to insulate the police from extraneous interference and ensure that complaints against the police are handled promptly at local levels. Dr. Mohini and Mr. Jhmat Lai Jethanand, two currently serving independent members of Sindh Public Safety and Public Complaint Commission, established by the provincial government, belong to Hindu minority community of Sindh. Mr. Basant Lal Gulshan, Member Provincial Assembly of Baluchistan has served as the elected member of the Baluchistan Provincial Commission.

## **2. Refugees**

94. Pakistan has been hosting Afghan refugees for almost three decades. The figure at the peak time was over 3.5 million Afghan refugees. Pakistan continues to host over 2.1 million Afghan refugees. Registration of the refugees is carried out under a Tripartite Agreement valid until 31 December 2009. The return of refugees is on voluntary basis.

95. Pakistan is not a signatory to the 1951 Refugee Convention or its 1967 Protocol. Yet when confronted with the flow of Afghan refugees, Pakistan's response was appreciated by the entire international community, especially UNHCR.

96. UNHCR has worked with a 55-member Parliamentary Commission for Human Rights, drawn from all parties in the National Assembly and the Senate, to draft amendments to the current law that has been proposed for debate in parliament. The amendments would incorporate a definition of refugees in Pakistani law for the first time and would exempt asylum seekers from the punitive provisions of the Foreigners Act. In addition to providing protection to refugees against arbitrary arrest and harassment, changes to the national law could be a first step toward getting Pakistan to sign the 1951 United Nations Convention on Refugees.

97. In collaboration with UNHCR, Lawyers for Human Rights and Legal Aid (LHRLA) has established the Advice and Legal Aid Centre, catering to the legal needs of Afghan refugees in Karachi. The centre is imparting legal assistance to refugees and asylum seekers and investigating cases of refugees charged with civil or criminal offences to ensure that their substantive and procedural rights are not violated. UNHCR has also trained Pakistani law enforcement officials.

### **K. Role of the media**

98. Pakistan believes in freedom of information and expression and is determined to assure this freedom. The aim is to ensure accountability, transparency and good governance through optimization of the free flow of information.

99. The track record of the GOP in granting unprecedented freedom of expression to both the electronic and print media does not need any elaboration. More private and independent channels than ever before in the history of Pakistan are currently operating in Pakistan.

### **L. National priorities, initiatives and commitments**

100. The Government of Pakistan is fully committed to promoting and protecting human rights of its citizens in accordance with its constitutional obligations and standards set by international human rights instruments. Through enactment of laws and establishment of administrative structures, it is permanently engaged in the process of bringing a positive change in the lives of all Pakistanis.

101. However, several challenges in achieving highest standards of human rights continue to impede its efforts. These, inter alia, include maintenance of high rate of economic growth in the face of global slowdown, the challenge of terrorism and lower than required international assistance for social sector programmes.

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