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Human Rights Committee discusses the initial report of Pakistan

Country Review

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Share

Human Rights Committee

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The Human Rights Committee today concluded its consideration of the initial report of Pakistan on its implementation of the provisions of the International Covenant on Civil and Political Rights.

Presenting the report, Kamran Michael, Minister for Human Rights of Pakistan, stressed that Pakistan' commitment to the protection of civil and political rights preceded its ratification of the Covenant. After extensive consultations with all stakeholders, including civil society, Pakistan had launched the historic National Action Plan on Human Rights in February 2016. The National Commission on Human Rights had been established and made functional in May 2015. Special administrative and legal measures had been taken to protect vulnerable groups, to curb and eliminate harmful customary practices, and to eliminate violence and discrimination against women. The rights of transgender and intersex persons had been recognized for the first time in a landmark judgment of the Supreme Court in July 2010. Notwithstanding the existence of the death penalty in the legal framework, the right to life was guaranteed by the Constitution. Pakistan was committed to preventing torture or ill-treatment committed by state functionaries. Despite ongoing challenges, it was also committed to promote and protect freedom of religion or belief, and freedom of expression.

In the ensuing discussion, Experts noted positive measures taken by Pakistan to promote civil and political rights, such as the adoption of the National Plan on Human Rights, and the establishment of the National Commission on Human Rights. There was a strong legal tradition in Pakistan, and the rule of law was profoundly anchored in the country. Nevertheless, Experts raised serious concern over the high rate of enforced disappearances and extrajudicial killings by security forces, and related impunity. They inquired about the application of the death penalty and right to clemency, frequent attacks on, abductions and killings of journalists and human rights defenders, the misuse of anti-terrorism legislation and blasphemy laws, the use of torture by law enforcement officials to extract confessions, restrictions on freedom of movement,

violence against women and the prevalence of honour killings, early marriages and child labour, the relationship between the Constitution and the Islamic law, the independence of the National Commission on Human Rights, freedom of expression, and the registration of Afghan refugees.

In his concluding remarks, Mr. Michael thanked the Committee Experts for an open and constructive dialogue. Challenges notwithstanding, the delegation expressed its readiness to implement relevant human rights laws and policies, and to allocate more resources to the protection and advancement of civil and political rights for Pakistan's citizens. Mr. Michael expressed hope that in drafting their concluding remarks Experts would keep in mind Pakistan's challenges and context.

Margo Waterval, Vice-Chairperson of the Committee, thanked the delegation and reminded that the Committee's observations and concerns would be outlined in the concluding remarks.

The delegation of Pakistan consisted of representatives from the Ministry of Human Rights, the Ministry of Law and Justice, the National Assembly, the National Commission for Human Rights, and the Permanent Mission of Pakistan to the United Nations Office at Geneva.

The Committee will next meet in public on Friday, 14 July, at 10 a.m. to discuss the general comment on Article 6 of the Covenant.

Report

The initial report of Pakistan can be read here: **CCPR/C/PAK/1**.

Presentation of the Report

KAMRAN MICHAEL, Minister for Human Rights of Pakistan, stressed that Pakistan's commitment to the protection of civil and political rights preceded its ratification of the International Covenant on Civil and Political Rights. Chapter I of the Constitution guaranteed and laid down the framework for the protection of fundamental rights of all its citizens without any discrimination. Chapter II laid down the principles of policy, which also outlined the substantive framework for the protection of

rights. Under the existing legal framework, including the Criminal Procedure Code and the Penal Code, safeguards were provided to protect civil and political rights. After extensive consultations with all stakeholders, including civil society, Pakistan had launched the historic National Action Plan on Human Rights in February 2016. It consisted of six thematic areas with 16 expected outcomes and 60 actions. The six thematic areas included: policy and legal reforms; access to justice; implementation of key human rights priorities; implementation of international and United Nations treaties; establishment and strengthening of national human rights institutions; and implementation and monitoring mechanisms for the Action Plan. A National Commission on Human Rights had been established by a parliamentary act and had been made functional in May 2015. It consisted of a chairperson and nine members, one from each province. The Commission had been given power to investigate all cases of human rights violations in the country. In line with the Paris Principles, the Commission was financially independent. The National Commission on the Status of Women and the National Council for Minorities had been strengthened. The National Council for the Rights of Persons with Disabilities had been set up, whereas the National Commission for the Rights of Children was being established. A free and vibrant media and an active civil society continued to play an important role in raising awareness regarding civil and political rights. Special administrative and legal measures had been taken to protect vulnerable groups, to curb and eliminate harmful customary practices, and to eliminate violence and discrimination against women.

For the first time, the rights of transgender and intersex persons had been recognized. In July 2010, a landmark judgment by the Supreme Court of Pakistan had emphasized the rights and equal protection under the law of transgender and intersex persons, who were now issued identification cards and passports. Once registered, all transgender persons were included in voters lists and could exercise their equal right to political participation. Notwithstanding the existence of the death penalty in the legal framework, the right to life was guaranteed by the Constitution. For

many years, the Government of Pakistan had imposed a voluntary moratorium on the death penalty. However, the moratorium had been lifted in the wake of the dreadful attack on the Army Public School in Peshawar in 2014. Pakistan pursued its policy on the death penalty in line with its Constitution and international norms. Its counter-terrorism efforts were in compliance with its national and international human rights obligations. Pakistan had been confronted with a serious terrorist threat, which had led to the loss of thousands of lives of innocent civilians. Due to its counter-terrorism efforts, terrorist incidents had declined in the past two years. The Government regretted that terrorists had been attacking journalists, human rights defenders and lawyers, and it had taken several measures to protect them. As a party to the Convention against Torture, Pakistan was committed to prevent torture or ill-treatment committed by State functionaries. All complaints had been duly investigated by relevant authorities and disciplinary actions had been taken against those responsible. To ensure the right to a fair trial, the Investigation for Fair Trial Act and the Investigation for Fair Trial Rules had been codified in 2013.

Despite ongoing challenges, Pakistan was committed to promote and protect freedom of religion or belief, and freedom of expression. In a landmark judgment in June 2014, the Supreme Court had ruled that every citizen was 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 religious denomination or sect. The Government was also taking serious action against hate speech, which led to instances of allegations of blasphemy and religious discrimination. There were no barriers to political participation and freedom of association. In order to make the electoral process more inclusive and to encourage all citizens to exercise their right to vote, a special quota for women and minorities had been introduced for seats in the Parliament and provincial assemblies.

Questions by Committee Experts

Experts noted positive measures taken by Pakistan to promote civil anc political rights, such as the adoption of the National Plan on Human

Rights, and the establishment of the National Commission on Human Rights. There was a strong legal tradition in Pakistan and the rule of law was profoundly anchored in the country.

Religious matters were a source of tensions in Pakistan. The Islamization of the State that had taken place was evident in the laws. Another source of tension was the official characterization of the State as an Islamic one, despite the variety of its population.

As for the implementation of the Covenant in national jurisdiction, it was at the discretion of judges and they would not necessarily give supremacy to the Covenant. What measures could the State party take to facilitate the status of the Covenant in the national legal order? The State party had reservations on Articles 3 and 25 of the Covenant. Article 3 concerned the laws on polygamy, legal age for marriage, and rules and terms of witness statements and financial transactions. Which issues were not in sync with the Covenant? Did the State party intend to change the law on those matters? As for Article 25, the reservations concerned the appointment of persons who practiced other religions. Did the State party intend to withdraw those reservations?

Experts raised the question of the participation of the National Human Rights Commission in the work of the United Nations. For example, the National Human Rights Commission was not able to appear before some United Nations committees, which posed a problem on the real independence of that institution. In addition, it worked under the aegis of the Ministry for Human Rights. What measures could be taken to resolve that problem?

As for refugees, Pakistan was not a party to the 1951 Refugee Convention. What was the status of the new law on refugees and of the voluntary repatriation policy? Some 1.5 million Afghans had not been registered. There were reports of harassment of Afghan refugees by local law enforcement officials. What measures had the Government taken to deal with that problem?

Experts welcomed a number of measures and laws adopted to address violence against women and girls. Nevertheless, that violence had not decreased and had even increased in some areas. Reluctance and fear of reprisals underestimated the reported figures of violence against women. According to Government sources, there was a 20 per cent increase in violence against women in Punjab, and there was a decrease in the number of prosecutions. The State party was asked to report on the implementation in Punjab of the 2016 law on domestic violence and other relevant legislation at the provincial level. Sindh and Baluchistan had passed acts on violence against women, but the implementation had remained problematic. What was the role and influence of the Council of Islamic Ideology's advisory opinion in determining the Government's position on violence against women, including reports that the Council supported the idea that husbands could "lightly beat" their wives?

Did the Anti-Rape Law include marital rape? The rate of rapes had increased in Punjab, but few cases had been prosecuted. How many complaints had been lodged and what was the outcome of prosecutions? What was the role of the National Commission on the Status of Women in dealing with cases of violence against women?

Special attention had to be paid to honour killings of women, which were on the rise. What was the number of prosecuted cases and what were the penalties handed down? Had specific monitoring been put in place to follow the implementation of the Anti-Honour Killings Laws? Was there a prohibition of the application, under Sharia law, of qisas (equal retaliation) and diyat (financial compensation) for such killings? Such practices continued outside the realm of national courts. What specific steps had been taken by the Government to regulate jirgas (tribal councils)? The Committee had received reports of continued jirga decisions on honour killings, forced marriage and exchange of women and girls for settling disputes.

As for abortion and maternal mortality, Experts inquired about the grounds for accessing legal abortion under the Penal Code. What constituted the "necessary treatment" referred to in section 338 of the

Penal Code? Did it allow for voluntary termination of pregnancy to preserve the woman's physical health? Were there any criminal charges brought under that section? A study from 2012 revealed that 2.2 million abortions had been performed during that year, and that over 600,000 women had been treated for complications due to unsafe abortion. Between six and 16 per cent of maternal mortality was due to unsafe abortion. In 2013 Pakistan supposedly banned broadcast advertisement of all contraceptives. Was that ban still in place and what was the legal justification for it?

What restrictions on freedom of movement were in place for refugees and asylum seekers while in Pakistan?

Would the moratorium on the death penalty be re-established? The problem was that the death penalty was not only applicable to terrorists, but also in the case of blasphemy and drug trafficking, which were not violent crimes. Of more than 351 executions carried out between December 2008 and January 2016, only 39 were carried out in cases of terrorism. Pakistan had the right to defend itself from terrorism, but in a prudent manner. In all cases, the death penalty had to remain an exceptional measure. Pakistan had gone over the limits of the Covenant in that respect. There were also reports that Pakistan continued to execute minors below the age of 18. Another question concerned the application of the death penalty to Pakistani migrant workers. What measures had the State taken to provide them with adequate consular support and assistance?

Turning to the issue of enforced disappearances and extrajudicial killings, Experts noted that they were a serious problem across the country. What steps had the Government taken to prevent them? What was the number of cases of enforced disappearances? It was alleged that the Government had not taken legal action against perpetrators. What steps did the State party intend to take to ensure the independent and thorough investigation of enforced disappearances? It was alleged that security and armed forces did not react to the orders of the relevant commissio There were reports that the families, human rights defenders and lawyers

working on enforced disappearances had faced threats and harassment. Was there a mechanism for granting full reparation? What steps had been taken to implement the December 2013 judgment of the Supreme Court in the case of Mohabat Shah? It was alleged that extrajudicial killings occurred when the police estimated that it was necessary for self-defence and to prevent suspects from fleeing.

Replies by the Delegation

The delegation explained that Pakistan had faced unprecedented calamities since the ratification of the Covenant, including floods and earthquakes. The delegation provided examples of national court decisions that invoked the Covenant and applied its provisions in letter and spirit. The National Action Plan on Human Rights had identified legal gaps and had stipulated a review of legislation in line with international commitments. Human rights laws were quite numerous. The Ministry of Human Rights was developing further acts on the protection of women and children. Acts on the juvenile justice system and transgender welfare protection were also in the works. There were some impediments to the implementation of all those laws. But, the impetus for implementation existed. Treaty implementation cells at the regional level had to be strengthened. The Government was trying to establish institutions to address human rights violations and to provide redress. A national task force had been set up in 2016 to implement human rights initiatives. Grass-root level human rights committees had been set up to spread awareness about human rights. Several awareness seminars had been organized among judicial personnel and students. Very well-functioning help lines were run by civil society, whereas legal empowerment committees provided legal and financial assistance to people in need.

For 38 years, Pakistan had continued to host one of the world's largest protracted refugee situations. Successive Governments had hosted refugees in line with the principle of non-refoulement. The country hosted 1.4 million registered refugees who had been issued high-technology identity cards, as well as an estimated 600,000 unregistered Afghans. The consensus document from the entire national political party

leadership underpinned the strategy for dealing with Afghan refugees. There was now emphasis on the management of Afghan refugees in Pakistan, as opposed to the previous policy of voluntary repatriation. The Cabinet decided that in view of the non-conducive environment, lack of livelihood opportunities and the general security situation, Pakistan would continue with the policy of voluntary repatriation. The registered Afghans were assisted by the United Nations Refugee Agency in their repatriation. The draft National Refugee Law had been shared with all ministries and provincial governments. Federal and provincial task forces had been established to work on the draft law, which was supposed to be passed in January 2018.

Registration of Afghan refugees in Pakistan was done in line with the security situation in the region. The Governments of Afghanistan and Pakistan started working on the issue together but they did not reach an agreement on how to handle the issue. After the attack on the military school in Peshawar in 2014, that undocumented population was subjected to security scans. The Government would begin the registration campaign shortly. Once registered, the United Nations Refugee Agency would have full access to that population. Not all Afghans were refugees in Pakistan, which was why the Government of Pakistan had introduced a flexible visa regime, including business, work and student visas. The Government of Afghanistan had assured that they would issue passports to Afghans.

As for the harassment of Afghan refugees in Pakistan, the delegation clarified that there was no refoulement of Afghan refugees following the attack on the military school in Peshawar. On 30 June 2016, the north-western border with Pakistan had been regulated, which meant that people needed a passport and a visa to enter Pakistan. The border regulation and the increase in the repatriation allowance prompted many Afghan people to repatriate to Afghanistan. Terrorist attacks had led to a crackdown on unregistered Afghans around Peshawar, which brought bad media attention to Pakistan. The federal Government convinced the provincial authorities in Peshawar that a registration of Afghan refugees would be carried out. Only 30 per cent of Afghans lived in camps,

whereas the rest of them lived in urban areas without any limitation on their freedom of movement.

The National Commission of Human Rights was an independent body, set up according to the Paris Principles. It was financially independent, with a 150 per cent increase in its budget. It had the autonomy to fire and hire, to receive complaints and address human rights violations. Neither the Ministry of Human Rights nor any other ministry in any way impeded the work of the National Commission of Human Rights.

Pakistan faced multiple challenges, which were complicated by terrorism and natural disasters. Nevertheless, the Government did not use that context as an excuse not to implement its international human rights obligations. On the contrary, the Government was working to introduce women friendly laws and to strengthen their economic and political empowerment. The country was moving to have more female representatives in politics and more female voters. The adoption of the Anti-Rape Law and the Anti-Honour Killings Law testified to that effort, as well as the establishment of the National Council on the Status of Women. Shelter and legal and psychological aid were provided to victims of domestic violence. Violence against women had been addressed in a diligent manner. The gender crime cell of the national police gathered data on gender-based violence and honour killings. Some 26 women crisis centres had been established across the country.

As for the statement that the “light beating” of wives was permissible according to the Quran, it was the statement of one cleric. The Council of Islamic Ideology only had an advisory role in the adoption of laws. The delegation stressed that there was no honour in honour killings. Perpetrators of such crimes were prosecuted.

Follow-up Questions by Experts

Why was the National Commission of Human Rights part of the delegation? The fact that the Chairman of the Commission was not able to travel to Geneva gave an appearance that the Commission lacked independence from the Government.

Replies by the Delegation

The delegation explained that jirgas (tribal councils) could not be changed quickly due to their traditional nature. They could not exercise jurisdiction in criminal matters. The sole authority in that regard rested with national courts. Provinces were taking measures to control harmful traditional practices, and awareness of their discriminatory impact on human rights was rising. Persons with disabilities would be able to access election posts.

In 2008 the Government had imposed a voluntary moratorium on the death penalty. The decision had been taken after a national consensus had been reached through Parliament. Pakistan pursued its policy on the death penalty in line with the Constitution and international standards. The death penalty for drug crimes did not violate the Covenant provisions. There had been a gradual decline in executions from 2015 to 2017. The debate on the death penalty was ongoing in Pakistan, and relevant authorities were constantly reviewing its use. Pakistan did not execute minors. Every person who had been handed down the death penalty could seek clemency, the delegation stressed.

Under Islamic jurisprudence, abortion was allowed within the first eight to 12 weeks of pregnancy. The mother's health was considered in granting the right to abortion. No-one had been convicted for seeking or performing an abortion. Service delivery standards for post-abortion care had been adopted in Punjab in 2015. Since 2000 the rate of maternal mortality had significantly decreased, even though it was still far from the achievement of the Millennium Development Goals.

Follow-up Questions by Committee Experts

Speaking about issues related to the right to life, Experts recognized the level of attention given by Pakistan to honour killings. However, they raised concern about the high level of extrajudicial killings by the military and police forces, as well as related impunity. Pakistan ranked fifth in the world for the number of executions. Experts raised concern that the State Party also executed minors and mentally ill persons, and that the right to

clemency was an empty right. Very stringent requirements governed the application of the death penalty, even though the State Party claimed that the number of terrorist acts had decreased.

Second Round of Questions by Committee Experts

The anti-discrimination provisions of Pakistan's Constitution covered all prohibited grounds of discrimination in line with the articles of the Covenant. Experts reminded that the Committee on Economic, Social and Cultural Rights had recommended to Pakistan the adoption of an overall anti-discrimination legislation. Were there such plans?
Did the State party intend to amend the provisions of legislation to establish gender equality and to look at all the remaining gender discriminatory provisions? As for discrimination on the basis of gender identity and sexual orientation, did the State Party plan to decriminalize same-sex relations between consenting adults?

Did provisions for voluntary termination of pregnancy include treatment that was necessary for women's mental health? Was the legal standard for access to abortion taught in medical schools? What efforts had been taken to ensure that abortions delivered nationally were safe and performed by qualified personnel? What was done to fight the stigmatization of women who had an abortion?

Experts emphasized that the death penalty could not be delivered in a manner that constituted torture. They noted that the protocol and procedures for the death penalty by hanging were not being followed. What did the State Party do to ensure that the way the death penalty was administered was in line with the Covenant provisions? Had the decision of the Government to lift the moratorium on the death penalty been challenged? Was it indeed a democratically made decision? Had a Presidential pardon for someone scheduled to undergo the death penalty ever been granted?

Experts also raised the issue of the Protection of Pakistan Act, which bestowed wide powers to law enforcement authorities. Was there any plan to re-enact the Act in some form and would there be any effort to

address the mentioned concern? There were concerns that anti-terrorism courts had a very broad jurisdiction, problems in applying the principle to a fair trial, and that they prosecuted minors as adults. Were there any plans to reform the anti-terrorism courts so that they dealt with true terrorist cases? There were reports of secret detentions, mistreatment of detainees and coerced confessions, secret identity of judges, and secret charges and evidence. Another concern was that the Supreme Court could not review military court cases. What were the plans to transfer cases from anti-terrorism courts to military courts? Was there a different legal standard applied to the admissibility of confessions in military courts? What remedies were available to persons detained incommunicado?

Were there restrictions on freedom of movement for refugees without identity cards? What were the criteria for registering persons on the Exit Control List? What was the process for removing names from that list? There were reports that such lists included persons charged for blasphemy, journalists and political activists. What were the specific circumstanced under which a passport could be cancelled? What were restrictions for foreigners traveling in Pakistan?

What was the number of cases prosecuted under the Punjab law on violence against women, Sindh and Baluchistan domestic violence acts, and the law on honour killings? Was marital rape criminalized?

The Constitution limited the criminalization of torture for the purpose of extracting confessions. None of Pakistan's legal provisions included a specific definition of torture that fully reflected the Covenant provisions. What steps had been taken to codify such a comprehensive definition of torture? The adoption of the Torture, Custodial Death and Custodial Rape Bill had been pending since 2015. What was its status? Experts raised the question of compatibility of the provisions of the Anti-Terrorism Act with the Covenant provisions on the admissibility of coerced confessions in courts.

Significant administrative and legislative measures had been taken by Pakistan to address bonded labour and human trafficking. However,

bonded labour persisted in the State party, in particular in the brick kiln industry and among Christians and Scheduled Caste Hindus (Dalits). What measures had the State party taken to raise awareness of that problem and relevant laws? What was the situation of capacity-raising and training with respect to those issues?

Turning to the investigation of torture cases, reports indicated that the military and intelligence service systematically used torture to extract confessions, and that perpetrators of torture had been granted impunity. What disciplinary sanctions had been imposed on perpetrators of torture? Had there been any independent investigation of torture cases? What compensation was available to victims of torture and their families?

Persons in pre-trial detention comprised 69 per cent of the entire prison population in 2015, and individuals remained in pre-trial detention for periods longer than the sentence itself. Security agencies were allowed to detain any person suspected of terrorism for a year. There was no independent mechanism to monitor the release, and judges had discretion in granting compensation.

What were the results of the judicial reforms? There were allegations of nepotism in the appointment of judges. What were the criteria for judicial appointments? What was the plan to increase the budgetary allocations for the judiciary and to improve the working conditions of judges? There were also concerns about the shortage of judges and backlog of cases, as well as a general perception among the public that the judiciary was corrupt. Legal professionals faced threats and attacks by extremist religious groups, insurgents and terrorists.

What measures had been taken to improve the conditions of detention, reduce overcrowding, and address insufficient essential facilities and limited access to medical care? Currently, Pakistan had 97 prisons and the prison population far exceeded the prison capacity. There were also cases of torture in prisons and police custody places.

What was the relationship between the Constitution, human rights protection and the application of the Islamic law? The Supreme Court was tasked with ensuring that no adopted law contravened the Islamic law, which was contrary to the Covenant. How were the rules on polygamy, inheritance, witnesses and blasphemy emanating from the Sharia law in line with Covenant provisions? There was a general problem in Pakistan in drawing on formal rules of the Sharia. One Expert warned that the interpretation of Islam in its formal dimension encouraged religious fundamentalism.

Replies by the Delegation

KAMRAN MICHAEL, Minister for Human Rights in Pakistan, underlined that there was no organized discrimination of ethnic and religious minorities in Pakistan, noting that their rights were guaranteed by the Constitution. There was a five-per cent quota for minorities in all federal services. Ten seats in the Parliament were reserved for minorities and four seats in the Senate. Inter-religious relations fell under the purview of the newly established Ministry of Religious Affairs and Inter-Faith Harmony. The Government provided annual development funds to minorities.

The delegation underlined that the discussion on the relationship between Pakistan's Constitution and the Sharia law would require the participation of the people knowledgeable about the subject manner. Pakistan was very committed to the rule of law, and it had to listen to the voice of the people, as represented by Parliament. Thus, the decision to lift the moratorium on the death penalty was not an arbitrary one. The delegation observed a certain disregard for the victims of terrorism.

As for the investigation of enforced disappearances, the relevant investigation commission received information from relevant State institutions, civil society and families of the alleged disappeared persons. Necessary financial resources under a separate head were provided to that commission, which operated in Islamabad, Lahore and Karachi. The relatives of the allegedly disappeared persons were regularly invited to attend hearings. Families could file formal complaints to the police or the

commission. They were provided allowances through different social safety nets. The Government pursued action against those involved in enforced disappearances. However, sometimes inflated figures of enforced disappearances were provided. Appropriate mechanisms were in place to deal with any violation of human rights.

Pakistan's counter-terrorism activities were in line with international and national laws. Terrorists deprived victims of their fundamental rights, the delegation stressed. The Protection of Pakistan Act aimed to provide speedy justice to the families of victims of terrorism. The Committee had to be aware that in some parts of the country, there was foreign interference and State-sponsored terrorism. Military courts were authorized to conduct trials in relation to terrorism. The judges of those courts were well qualified, but their names had to be kept confidential due to security concerns. All convicted persons had the right to legal counsel and the right of appeal, and could seek a presidential pardon. Military courts had not tried or executed any juvenile. The Supreme Court provided judicial review of military court decisions.

Pakistan was committed to duly investigating all cases of torture and ill-treatment perpetrated by state functionaries. The Penal Code prohibited the use of torture to extort confessions, which was punishable with ten years in prison. The Torture, Custodial Death and Custodial Rape Bill would be adopted once it had gone through the deliberations in Parliament. The allegation that there was a culture of impunity in Pakistan was misleading. The human rights cell of the Supreme Court was mandated to expeditiously process the complaints received and to aid those who did not have the financial means to pursue protracted legal proceedings. The Government immediately provided legal assistance to Pakistani citizens detained abroad.

The Police Act of 2002 stipulated the sentence of five years in prison for abuse of power by police officers. Police complaint authorities at the provincial and federal levels comprised members of the National Assembly and provincial assemblies. Compensation was available to victims and families.

Combatting discrimination was a work in progress and no mix of policies offered instant results. The Constitution had already established a quite robust anti-discrimination framework. Any existing law or practice inconsistent with that framework would be void. Interest-free loans were available to women, as well as school scholarships. Quotas for women's participation in political and economic life had been introduced. Marital rape was dealt with within the framework of domestic violence laws.

The Government had deleted more than 4,000 names from the Exist Control List. Those involved in subversion, terrorist and espionage activities, human trafficking and financial crimes were included in the list. The decision to be included in the list was not an arbitrary one, but a result of the careful review by relevant authorities. The centrality of democracy was observed in every decision made by the Government, the delegation stressed.

Third Round of Questions by Committee Experts

On freedom of religion, Experts noted Pakistan's political will to deal with religious extremism and hate speech with the establishment of the Ministry of Religious Affairs and Inter-Faith Harmony. They took note of the fact that the Ahmadi community now had a status as a religious minority, and that amendments to the blasphemy laws were being discussed by Parliament. However, they wondered whether it was compatible with the principle of freedom of religion to interpret laws according to Islamic precepts. Experts reminded that the Ahmadi community could not call itself Muslim, even though it did consider itself Muslim, which was contrary to provisions of the Constitution and the Covenant. In practice, the socio-political climate in the country produced a certain aggression towards the Ahmadi community and other minority groups.

As for privacy and freedom of expression, Experts raised concerns regarding the Prevention of Electronic Crimes Act, namely the extensive powers given to the Pakistan Telecommunications Agency, and the broad powers given the authorized officers without independent judicial oversight. How was the interception and sharing of information and

cooperation with foreign Governments without judicial authorization and oversight compatible with the Covenant?

Experts reminded the delegation that the dialogue provided an opportunity to clarify the situation on the implementation of civil and political rights in the country. They expressed hope that the delegation would be able to provide the required information in writing.

Did the State Party plan to decriminalize defamation? What was the number of cases in which journalists were charged with defamation? There were reports that the Pakistan Electronic Media Regulatory Authority banned several television programmes related to the Ahmadis. What procedural safeguards and oversight were in place to ensure that the Authority did not overstep its powers? The high rate of killings, abductions and intimidation of journalists and human rights defenders, and the low rate of convictions, was disturbing. What were the measures taken to investigate the attacks on journalists and human rights defenders perpetrated by State actors?

What specific conditions needed to be met for public assemblies to be authorized? How many trade unions had been denied registration because they operated in "a manner prejudicial to the sovereignty or integrity of Pakistan"? A number of non-governmental organizations had been barred from operation in Pakistan on the same grounds.

Several laws set the minimum marriage age at 18 for both boys and girls. In contrast, in Punjab, the minimum marriage age included a gender differentiation: 16 for girls and 18 for boys. What was done to remove that gender difference? How was the legal ban of ghag (forced and child marriage) monitored? What non-legislative measures, in addition to awareness raising, were planned to counter that practice? What was the number of suicides resulting from forced and child marriages?

Experts noted the special measures taken by Pakistan to promote the participation of women in voting. However, it was found that more than 11 million female voters were missing from the electoral lists. Was the proposed bill on nullifying elections in which less than five per cent of

voters were women adopted? Less than one per cent of women comprised police forces, and there was a serious underrepresentation of women in the judiciary. What were the plans to address that situation?

Illiteracy, language barriers and poverty impeded the participation of minorities in political life. The Electoral Reform Commission did not include any minority representatives. Were there any other measures, in addition to the reserved parliamentary seats, to promote the representation of minorities? There was a concern over the persistently narrow interpretation of “minorities” and the absence of disaggregated data. Was it true that the Ahmadis were registered on a separate electoral list?

One Expert noted that he was shocked by the delegation’s explanation that some enforced disappearances were voluntary. He reminded that Pakistan had previously acknowledged the problem of enforced disappearances, citing the existence of the Commission of Inquiry on Enforced Disappearances as proof of that acknowledgement. Was there a plan to strengthen the Commission? What was the status of recent cases of enforced disappearances?

Only 30 per cent of children were registered at birth. What were the measures of the State Party to improve birth registration? As for child labour, what measures had been taken to develop inspections, particularly those of child sexual exploitation? What mechanisms were in place to protect street children?

Were provincial and national cells responsible for the follow-up on the recommendations of United Nations bodies? What were the methods used to select organizations and individuals involved in the preparation of the country reports?

Experts reiterated their observation that the National Commission on Human Rights did not appear to be independent. The Commission could not submit its report to the Committee independently, which was contrary to the Paris Principles.

One Expert emphasized that the death penalty was subject to procedural safeguards under the Covenant. What were the examples of clemency actually being implemented?

Was the State-paid legal counsel to insolvent detainees a guaranteed right? What mechanisms were in place to prevent individuals from misusing blasphemy laws?

Replies by the Delegation

The delegation clarified that it saw the dialogue with the Committee as a constructive exercise. The delegation felt it was necessary to re-read some of the answers from the State Party's replies to the list of issues, because Experts repeated some of the questions. There was no need to be amazed about the delegation's reference to voluntary disappearances, which was a widely known phenomenon.

As for the issue of trade unions, national and provincial authorities were conducting a review of relevant legislation. The International Labour Organization and the Pakistan Workers' Association focused on freedom of association and collective bargaining. Registrars of trade unions had not yet refused registration of trade unions. Workers and employers were free to join and register a trade union without any barriers.

The blasphemy laws were highly contentious and misunderstood. The Government was mindful of the potential misuse of the blasphemy laws for personal gain. The blasphemy laws sought to prevent inter-religious discord and hate speech. They were not discriminatory, but were based on respect for all religions. A person who intentionally and falsely accused someone else of blasphemy would be imprisoned for two years. Independent judiciary, free media and civil society also provided effective safeguards against the misuse of the blasphemy laws. The majority of those convicted under the blasphemy laws were Muslims. The Ahmadi community was indeed declared a minority that enjoyed full citizen rights.

As for juvenile offenders, problems included age determination and mental health. The Ministry for Human Rights had drafted a bill specifically to address the age of juvenile offenders. Arrangements were made to ensure social rehabilitation of juvenile offenders.

Freedom of expression was guaranteed by the Constitution. However, freedom of expression came with responsibility and it could be reasonably limited in line with national and international norms. Differentiation between free speech and hate speech was particularly important in the context of the fight against terrorism. Pakistan's Prevention of Electronic Crimes Act complemented counter-terrorism measures, which was essential for internal security. All stakeholders had been involved in the deliberations on the act. The Government found that sentences under the act were rational and in line with the Covenant provisions. Any unauthorized access to private data was illegal. Detailed guidelines regulated the sharing of intercepted data by intelligence services. The Pakistan Telecommunications Agency did not have "carte blanche" powers. It performed its functions under strict judicial overview and it could not block political criticism.

Freedom of assembly was guaranteed by the Constitution. Restrictions were applied only when a peaceful assembly turned into a violent assembly, and in line with the principles of necessity and proportionality. The 2002 Political Parties Act regulated the registration of political parties. More than 50 political parties were currently operational in the country. As for registration of non-governmental organizations, 60 had been registered, whereas 40 were in the process. There were no restrictions on the interaction of civil society with United Nations bodies.

The Government was fully committed to full implementation of the rights of children. Claims that only 30 per cent of births were registered in Pakistan were not true. The country's registration system was computerized. Awareness-raising campaigns had been launched. The problem of sexual exploitation and abuse of children was dealt with the Prevention of Electronic Crimes Act and child protection centres. The upcoming establishment of the National Commission for Rights of

Children would further strengthen the protection of children. Pakistan was part of the Southeast Asia Initiative to End Violence Against Children. Some 9,000 inspections had been carried out in Punjab in relation to child labour. As for street children, the Child Protection Act had recently been passed to deal with that issue.

The number of women in Parliament was the highest in Southeast Asia. Women's development had been included in Government policies. Reforms of inheritance laws in Punjab had been initiated, as well as of women's voters registration. Provinces had special skills-development programmes with quotas for women. Some 5.5 million women from poor households had benefited from the 2008 cash-grant programme. The Government of Punjab had taken measures to improve women's property, land ownership and marriage rights. Various media campaigns were conducted against gender-based violence. The Government had contributed educational grants for girls in the country's far-flung regions.

As for reducing the number of early marriages and polygamy, the delegation noted that overnight changes could not be expected. However, the Government had taken measures in the area of family law to address those issues.

On the reports of frequent killings, abductions and attacks on journalists and human rights defenders, the delegation assured that Pakistan accorded great importance to freedom of expression and opinion. Journalists and media personnel were often victims of terrorist organizations because they uncovered their crimes. The Government was making the outmost effort to protect journalists' safety.

Follow-up Questions by Committee Experts

How were constitutional limitations on freedom of expression in line with the Covenant? Amnesty International reported that human rights defenders and journalists had been abducted by security forces, and that some journalists had been charged under the Prevention of Electronic Crimes Act. What measures had been taken to investigate those cases?

The CEDAW took note of the progress made on women's empowerment. However, very little information had been provided on the financial and human resources provided to the National Commission for the Status of Women.

Was there any intention of the State Party to withdraw reservations on Articles 3 and 25 of the Covenant? What was the status of the decriminalization of the same-sex relations and of the fight against discrimination against lesbian, gay, bisexual, transgender and intersex persons?

Experts noted that the work of the Commission of Inquiry on Enforced Disappearances should be strengthened, whereas the question of impunity for enforced disappearances remained outstanding.

Concluding remarks

KAMRAN MICHAEL, Minister for Human Rights of Pakistan, thanked the Committee Experts for an open and constructive dialogue. Challenges notwithstanding, the delegation expressed readiness to implement relevant human rights laws and policies, and to allocate more resources to the protection and advancement of civil and political rights of Pakistan's citizens. The protection of human rights would always remain a work in progress. Mr. Michael expressed hope that in drafting their concluding remarks Experts would keep in mind Pakistan's challenges and context.

MARGO WATERVAL, Vice-Chairperson of the Committee, thanked the delegation and reminded that the Committee's observations and concerns would be outlined in the concluding remarks.

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