

Pakistan's review in the Working Group,
Thursday 8 May 2008, 2.30 pm – 5.30 pm
Overview of the Working Group session

The Troika

The troika is composed of Saudi Arabia, Ghana, Azerbaijan. Only Azerbaijan took the floor but did not mention by a member of the troika.

Presentation by Pakistan

Speaking time: 27 minutes

Speakers: H.E. Ms. Fauzia Wahab

Problems raised: To transform institutional progress into reality. Terrorism. We realize measures for women are not sufficient.

Achievements made: ratification of ICESCR in April 2008, signature of ICCPR and CAT. Establishment of a NHRI in accordance with Paris principles. Completed transition to democracy. Started a process of national reconciliation. Judges released from detention. National conference on Madrasa in the near future. Security forces trained in IHL. Access for ICRC to prisoners.

Others issues: HR guaranteed by the Constitution. Separate ministry of Human rights. Education. Pakistan will pursue Madrasa reforms. Poverty reduction. Housing. Gender issue: 5 priorities: mainstream empowerment of women; to put an end to honor killings; to remove abuses of laws that abuse women's rights (forced marriages, inheritance); measures to attack domestic violence; to build capacity of the ministry of women development. Rights of the Child: education, child labour (cooperation with ILO). Minorities: rights guaranteed by the Constitution. There will be representation of minorities under this legislature: affirmative action. Freedom of press/expression (radios, newspapers, television channels and networks). Emergency measures after 2007 September removed. Afghan refugees (2.5 millions at the moment). Signed a tri party agreement with the UNHCR for the repatriation of the refugees. Plan to develop 1 000 000 housing unit every year.

Answers to written questions: none

Interactive dialogue

Number of countries that took the floor

70 countries took the floor during the interactive dialogue, **32 Member States** of the Human Rights Council (Azerbaijan, Bangladesh, Brazil, Canada, China, Cuba, Egypt, France, Germany, Indonesia, Italy, Japan, Jordan, Malaysia, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Philippines, Qatar, Romania, Russia, Saudi Arabia, Senegal, Slovenia, South Africa, South Korea, Sri Lanka, Switzerland, Tunisia, United Kingdom) and **38 Non-member States** (Albania, Algeria, Australia, Austria, Bahrain, Belarus, Belgium, Bhutan, Colombia, Czech Republic, Chile, Denmark, Finland, Greece, Holy See, Iran, Ireland, Kuwait, Latvia, Luxembourg, Morocco, Nepal, New Zealand, North Korea, Norway, Oman, Palestine, Panama, Portugal, Venezuela, Singapore, Sudan, Sweden, Syria, Turkey, United Arab Emirates, Yemen, Zimbabwe).

Questions/issues raised

Minorities – China, Canada Holy See, South Africa (tribes), Denmark (discrimination against scheduled cast); *Religious minorities* - Portugal, Russia; **Education** – Malaysia (National Plan of Action); DPRK (policy for 2008-2010), Bangladesh (Madrasa), Finland; **Women’s rights** – Slovenia, UK, Japan, Qatar, Philippines, Luxembourg, Azerbaijan, Venezuela, Nicaragua; *Violence against women* – Canada (impunity linked to), Czech Republic, New Zealand (Hudood ordinances); *Discrimination against women* – Canada, Brazil, Germany, South Korea; *Honor Killings* – Portugal, Turkey, Sweden; **Sexual rights** - Canada (consensual non marital sex, marital rape); **Freedom of religion and belief** – Canada, Chile, France; *Blaspheme law* - Belgium, Holy See, Greece; **Justice** – Canada (independence of while countering terrorism), France (independence of), Greece (access to); **Freedom of opinion and expression** - Canada (Blaspheme laws), Japan; **Freedom of Press** - Norway, Bahrain, Greece; **Labour** - Slovenia (ILO conventions); **Refugees** - Saudi Arabia, Kuwait, Syria; **Rights of the child** - Belgium (sexual abuse, child trafficking), Philippines, Turkey, Russia, Switzerland, Brazil, Italy; *Child labour* – Cuba, Egypt; **Access to international instruments** – Holy See (ratification of ICCPR), Mexico (status of the Refugee Convention), UK; South Africa (International Criminal Court), Senegal (ratification of International Convention on the protection of the rights of all migrant workers and members of their families), Philippines, Brazil (ICESCR, CAT), Romania, south Korea (CEDAW), Australia (ratification of the two optional protocol to the CRC); **Housing** – South Africa, Nigeria, South Korea (forced eviction of the railway express project); **National Human Rights Institution** – UK, France, Morocco, Venezuela, Finland; **Human rights violations by security forces** - UK (including illegal and arbitrary arrest, enforced disappearance, extrajudicial killing and torture), Sweden (and impunity linked to it); **Death Penalty** – UK, Switzerland, Austria, Italy; **National Plan of Action** – Portugal, Colombia; **Human Rights while countering terrorism** – Mexico, Greece (arbitrary detention and enforced disappearances); **Participation of the civil society** – Oman; **Poverty** – Turkey; **Fair trial** – Switzerland; **Internally Displaced Persons** – Austria; **Human Rights Defenders** – Brazil, Ireland; **Prison conditions** – Germany, Latvia; **Racism** – Germany (incitation to hatred in Mosques); **Population** – Bhutan; **Cooperation with human rights mechanism** – Latvia; **Poverty** – Sudan; **Human rights training of law enforcement agencies** – Greece, Yemen;

Recommendations

Women’s Rights

- recommends continuing to spearhead progress towards gender equality and development for women in areas of education and employment (Algeria)
- recommends repealing provisions of the Hudood ordinances that criminalizes consensual non marital sex and fail to recognize marital rape (Canada)
- recommends the adoption of measures to ensure that victims have access to protection and redress, that perpetrators are prosecuted and punished and that gender sensitivity training be provided to relevant officials (Canada)
- recommends taking concrete steps to prevent discrimination according to CEDAW (Slovenia)
- recommends ending inequality in gender to access housing (Luxembourg)
- recommends that the positive process of the Women Protection Act continue with the repeal of additional aspects of the Hudood and Zina ordinances in order to ensure full compatibility with the CEDAW (UK)

- recommends continuing efforts violence against women and especially domestic violence (Mexico)
- recommends doing everything possible to prevent early marriage and forced marriage and recognize in its legislation rape in marriage (Switzerland)
- Recommends adopting further legislative as well practical measures to fight violence against women in particular to decriminalize adultery as well as not marital consensual sex, raise public awareness about the laws, better train police and other authorities to deal appropriately and effectively with victims of sexual assault and other violence against women, ensure the victims access to justice especially by adopting rules of evidence that give equal weight to testimony given by men and women and improve support services such as shelters and burn units for women (Czech Republic)
- Recommends ensuring punishment for perpetrators of all violence against women including by prohibiting in all circumstances the use of the provisions of the Qisas and Dyat law in cases of honour killings and also thoroughly investigate and punish members and leaders of illegal "jirgas" for their cause to violence against women (Czech Republic)
- recommends elaborating on further measures to counter grips with the continued situation of discrimination against women (Sweden)
- recommends undertake a comprehensive review and revision of all discriminatory law and legislation in order to achieve compliance with its obligations under CEDAW (Germany)
- recommends prioritising its action to introduce measures to prevent violence against women (New Zealand)

Freedom of religion or belief

- recommends removing restrictions on freedom of religion or believe and amend legislations that discriminates against persons belonging to minorities including Qadiani and Ahmadi religions (Canada)
- recommends reviewing the law of blaspheme to bring it in lines with international standards (Belgium)
- recommends effectively protecting and satisfying the unimpeded exercise of freedom of religion of non Muslim citizens (Greece)

Detention Conditions

- recommends refraining from detention that contravene international standards of due process (Canada)

Justice

- recommends reinstating the dismissed members of the judiciary and take measures to reestablish an independent judiciary (Canada)
- recommends investigating and prosecuting both government officials and other perpetrators against members of the media (Norway)
- recommends restoring the independence of the judiciary (Romania)

Freedom of opinion and expression

- recommends decriminalizing defamation and review all relevant laws and measures to ensure that any restriction imposed on freedom of expression are in conform with the ICCPR to which it is a signatory (Canada)

Labour

- recommends adapting labour legislation to bring it in line with ILO laws (Slovenia)

National Human Rights Institution

- recommends establishing a NHRI in accordance with Paris principles (UK)

Death Penalty

- recommends urgently reviews the use of the DP with a view of a moratorium and abolition (UK)
- recommends declaring an immediate moratorium on all executions (Switzerland)

Cooperation with human rights mechanism

- recommends to Follow up on CEDAW recommendations and to withdraws its reservations (Portugal)
- recommends giving the most serious considerations to allow in the Special Rapporteurs that have requested to visit the country to do so (Portugal)
- recommends accepting visit by Special Rapporteurs and respond to communications (Mexico)
- recommends considering issuing standing invitations to all Special Procedures of the HRC (Norway)
- Recommends issuing and implement standing invitation to Special Procedures, enable especially those representative of SP who already requested visits to conduct them (Czech Republic)
- recommends to invite the Special Rapporteurs on human rights defenders to conduct an independent visit (Ireland)
- recommends strengthening the cooperation with international human rights mechanism in particular with UN Special Procedures (Italy)
- recommends accepting visits by Special Procedures (Australia)

International Instruments

- recommends ratification of ICCPR and CAT, signing the Rome statue, the International Convention for the protection of all persons from enforced disappearance and the additional protocol to the 1977 Geneva Convention (Mexico)
- recommends signing the International Convention for the protection of all persons against forced disappearances (France)
- recommends making every effort to ratify ICCPR and CAT (Switzerland)
- recommends ratification of the ICCPR and CAT and an acting implementing legislation to ensure that the ICESCR, the ICCPR and the CAT become part of the domestic law (Norway)
- recommends incorporating the ICCPR, the ICESCR and all the treaties to which P is party such as CEDAW and CRC into domestic legislation and that it ensures effective implementation and enforcement of such legislation (Netherlands)
- Recommends ratifying as a matter of priority ICCPR, CAT and also its Optional Protocol (Czech Republic)
- recommends considering acceding to the International Convention for the protection of all persons from enforced disappearance (Brazil)
- recommends continuing its efforts towards ratifying and implementing the ICCPR and CAT (Brazil)
- recommends ratifying ICCPR and the CAT as a matter of priority (Denmark)
- recommends signing the Refugee Convention (South Korea)
- recommends taking steps towards the ratification of all core instruments of international human rights law (Italy)
- recommends continuing its efforts in order to become a state party to the 7 basic human rights treaties (Albania)

Health

- recommends raising percentage of budget allocated to health (Luxembourg)
- recommends helping women access health (Luxembourg)

Minorities

- recommends reducing poverty and difficulties cast suffers (Luxembourg)
- recommends taking specific and targeting measures to effectively prevent discrimination of dalits (Denmark)
- recommends that laws discriminating non Muslim are repealed (Denmark)

Fair trial

- recommends respecting fair trial conditions (Switzerland)

Rule of law

- recommends restoring as soon as possible all fundamental freedoms that are guaranteed by Pakistan Constitution that were suspended at the imposition the state of emergency in November and December last year (Netherlands)

Human Rights Defenders

- recommends establishing a policy for the defence of human rights defenders (Brazil)
- recommends addressing effectively the repressed effect of civil society monitoring procedure and anti-terrorism legislation on the operation of human rights defenders (Ireland)
- recommends to combat impunity for attacks on human rights defenders by effectively investigating allegations and by prosecuting those responsible (Ireland)

Human Rights violations by Security Forces

- recommends elaborating on any measures to combat impunity for the security forces (Sweden)

Education

- recommends taking urgent measures that resources are allocated to education (Finland)

Rights of the Child

- recommends urgently adopting appropriate measures to effectively address the violations of children rights especially child labour, prostitution trafficking and to consider the increasing of legal age of criminal responsibility (Italy)

General

- recommends implementing international human rights obligations within federally administrated tribal areas (Canada)
- recommends continuing important effort in fighting terrorism (Algeria)
- recommends civil society to be fully involved in the UPR process (UK)
- recommends increasing its efforts and strengthen its policies in fighting against terrorism and extremism, any manifestation of violence, torture, ill treatment, economic exploitation and sexual abuse of women and children and in combating the ugly phenomenon of trafficking of human being especially women and children (Iran)
- recommends strengthening the capacities of law enforcement agencies in order to meet the challenges of its society for crimes that could arise with old mentality (Albania)

Issues on which Pakistan provided an answer:

1st part: Blaspheme law and Discrimination based on religion, Death Penalty, Gender equality, violence against women, consensual sex, non marital sex, Hudood laws, religious minority. 2nd part: Final statement: education, independence of judiciary, access of justice, child labour, civil society cooperation with the National Commission on the Status of Women, medias, incorporation in laws of newly ratified convention (Netherlands), madrasa reforms, Human Rights Defenders, cast (Denmark), incentive to hatred (Germany), honor killings, females in jails, independence judiciary, housing evictions, cooperation with Special Procedures, consensual sex, International Convention for the protection of all persons from enforced disappearance, trial of security forces, prison conditions, refugees.

Issues for follow-up

There will be representation of minorities under this legislature: affirmative action. National conference on Madrasa in the near future.

States asking questions but not pointing out any human rights problem: 7

Algeria (only recommending continuing its efforts), Malaysia (only asking on education), North Korea (only asking on education), Qatar (no time to ask questions), United Arab Emirates (only asking about the role of the Commission on Women's rights), Morocco (only asking information on the NHRI), Nigeria (only asking about the 1 000 000 housing unit project),

States that made solely welcoming statements: 11

Palestine ("pleasant reality"), Indonesia, Tunisia, Belarus, Jordan ("marvelous experience"), Panama, Nepal, Sri Lanka, Singapore, Yemen, Mauritius

Issues mentioned during the review but on which Pakistan did not respond

Child trafficking (Belgium), Human Rights while countering terrorism (Mexico, Greece – arbitrary detention and enforced disappearances), Fair Trial (Switzerland)

Human Rights mentioned in the NGOs reports but not raised during the review

LGBTB rights; Slavery (bonded and forced labour), Pre-trial detention.

Speaking times

Overall duration of the review: 3 hours 35 minutes

Of Pakistan: Presentation: 27 min. Responses: 17 + 17 min. Concluding remarks: 2 min

Of other States: 2 minutes for all States due to the number of speakers.

Qatar was not allowed to ask its questions as it was after the 2 minutes allowed. Netherlands could not say its 3rd and last recommendation. Brazil could barely finish.

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