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resolution 16/2**

Pakistan

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1966) CEDAW (1996) CRC (1990)	ICCPR (2010) ICESCR (2008) CAT (2010) OP-CRC-SC (2011) CRPD (2011)	OP-CAT OP-CRC-AC (signature only, 2001) ICCPR-OP 2 ICRMW CPED
<i>Reservations, declarations and/or understandings</i>	CEDAW Declaration and reservation art.29, para. 1	ICCPR (Declaration and reservation regarding arts. 3, 6, 7, 12, 13, 18, 19, 25 and 40. Withdrawal reservations regarding arts. 6, 7, 12, 13, 18, 19 and 40 and partial withdrawal reservation regarding arts. 3 and 25, 2011) CAT (General declaration and reservations regarding arts. 3, 4, 6, 8, 12, 13, 16, 28, para.1 and 30, para.1. Withdrawal reservations regarding arts. 3, 4, 6, 12, 13 and 16, 2011). ICESCR (General declaration subsequently withdrawn; general reservation)	
<i>Complaint procedures inquiry and urgent action³</i>			ICERD, art. 14 CAT, art. 20, 21 and 22 OP-ICESCR, art. 1, 10 and 11 ICCPR-OP 1, art. 1 OP-CEDAW, art. 1 and 8

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
		OP-CRC-IC, art. 5, 12 and 13
		OP-CRPD, arts. 1 and 6
		CPED, arts. 30, 31 and 32
		ICRMW, arts. 76 and 77
		ICCPR, art. 41

Other main relevant international instruments

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide ILO fundamental conventions ⁴ Geneva Conventions of 12 August 1949 ⁵	Rome Statute of the International Criminal Court Palermo Protocol ⁶ Conventions on refugees and stateless persons ⁷ Additional Protocols I, II and III to the Geneva Conventions of 12 August 1949 ⁸ UNESCO Convention against Discrimination in Education ILO Conventions No. 169 ⁹ , and No. 189 ¹⁰

1. The Committee on the Elimination of Racial Discrimination (CERD) encouraged Pakistan to ratify the ILO Convention No. 169 and ICMW and consider ratifying the OP-CRPD. It also invited Pakistan to make a declaration provided for by article 14 of the ICERD.¹¹

2. The Committee on the Rights of the Child (CRC) recommended that Pakistan ratify OP-CRC-SC and OP-CRC-AC as well as, ICMW, CED and their Optional Protocols and OP-ICESCR.¹²

3. CRC urged Pakistan to consider ratifying the Rome Statute of the International Criminal Court as well as the Protocols Additional to the Geneva Conventions.¹³ CRC, CERD and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Pakistan consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the Convention relating to the Status of Stateless Persons of 1954 and the 1961 Convention on the Reduction of Statelessness.¹⁴

B. Constitutional and legislative framework

4. The United Nations Country Team (UNCT) noted that Pakistan has passed three landmark constitutional amendments, enabling greater provincial autonomy and equitable federal-province relations.¹⁵

5. CRC was concerned that the Charter of Child Rights Bill that plans to incorporate all principles and provisions of the Convention into domestic legislation and the draft Child Protection Policy have not been adopted,¹⁶ and recommended that Pakistan adopt them. It also recommended that Pakistan promptly adopt legislative measures to clearly define and outlaw sexual abuse and exploitation of children and that cases of abuse of children, be properly investigated and perpetrators be duly prosecuted.¹⁷

6. UNCT noted that the regional territories of Federally Administered Tribal Areas (FATA), and Gilgit-Baltistan, (G&B) (semi-autonomous province) and Azad Jammu and Kashmir (AJ&K) (disputed territory) spell out additional challenges with less stable constitutional and legislative framework.¹⁸ CERD noted with concern that the laws of Pakistan are not applicable in these provinces to the same extent as in the other parts of the territory.¹⁹

C. Institutional and human rights infrastructure and policy measures

7. CRC recommended that Pakistan provide the National Commission for Child Welfare and Development and/or the National Commission on the Rights of Children with sufficient human and financial resources to carry out their tasks in an effective manner.²⁰

8. CRC called on Pakistan to develop adequately resourced policies and programmes for a systematic and sustained training process.²¹

9. UNCT noted that Pakistan's Senate unanimously passed the National Commission for Human Rights Bill.²² The High Commissioner for Human Rights welcomed the President's signature of the newly adopted law and urged the Prime Minister to ensure an open and transparent process to appoint commissioners of the highest calibre and independence, whose leadership will be the key to this institution's success.²³

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁴

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 1997	2008	March 2009	Twenty-first and twenty-second reports due in January 2012
CESCR	--	--	--	Initial report overdue since 2010
HR Committee	--	--	--	Initial report overdue since 2011

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CEDAW	May 2007	2011	--	Fourth report: pending consideration
CAT	--	--	--	Initial report overdue since 2011
CRC	Oct.2003	2008	Oct.2009	Fifth report due in December 2012
CRPD	--	--	--	Initial report due in 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	Applicability of laws in the territory (tribal areas), national human rights institution, bonded labour	Overdue

10. CERD and CRC invited Pakistan to submit its core document.²⁵

B. Cooperation with special procedures²⁶

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>		
<i>Visits undertaken</i>	Torture (1996) Violence against women (2000)	Independence of judges and lawyers (19-29 May 2012)
<i>Visits agreed to in principle</i>		Working Group on Enforced on Involuntary Disappearances (Sept.2012)
<i>Visits requested</i>	Human rights defenders Extrajudicial, summary or arbitrary executions Racism Freedom of religion Countering terrorism Adequate housing Independence of judges and lawyers Freedom of opinion and expression	Extrajudicial, summary or arbitrary executions (2009) Counter terrorism (2010) Torture (2010) Food (2011) IDPs (2011) Freedom of association and assembly (2011)

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 65 communications were sent. The Government replied to 39.	

11. During the period under review the special procedures sent several joint communications that remain unanswered on issues related to summary executions, minority and religious groups, secret detention centres, trafficking and sale of children as well violence against women. More recently, communications were sent on alleged killings of journalists, threats against human rights defenders and forcible abduction for religious purposes, and domestic violence.²⁷

C. Cooperation with the Office of the High Commissioner for Human Rights

12. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provided technical and financial support through the UNCT to the universal periodic review (UPR) reporting process for the Ministry of Human Rights.²⁸

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

13. CERD recommended that Pakistan adopt a comprehensive law on the elimination of discrimination on the grounds of race, colour, descent or national or ethnic origin.²⁹

14. CRC recommended that Pakistan take all appropriate measures, to combat and prevent discrimination and negative societal attitudes and mobilize political, religious and community leaders to support efforts to eradicate discrimination against children belonging to religious or other minority groups, children with disabilities, and children living in poverty and in rural and remote areas.³⁰

15. CERD was concerned about the persisting de facto segregation of and discrimination against Dalits and recommended that Pakistan adopt legislation aimed at the prohibition of caste-based discrimination.³¹

16. UNCT noted the need to focus on gender equality specifically around empowerment and women's rights in a country with strong inequalities and discrimination as women face formidable challenges posed by stereotypical norms and practices.³² CRC strongly recommended that concrete measures be taken to address and reduce the serious gender disparities and discrimination prevailing throughout Pakistan.³³

17. UNCT noted that victims of violence against women and gender-based violence generally do not report the cases or disclose them publicly because of the risk of stigmatization and repercussion from the perpetrators. It remained concerned as to the effectiveness of community-based Alternate Dispute Resolution (ADR) and harmonization with international commitments.³⁴

18. UNCT noted that challenges remain in relation to implementation of legislation and particularly the enjoyment of equal rights by women and girls as well as by religious minorities, youth and other excluded groups. Accountability and enforcement mechanisms

are very weak especially at local level. Historical regional disparities across the four provinces, AJK, FATA and G&B have been heightened by prolonged crisis and recurrent natural disasters.³⁵

19. The High Commissioner for Human Rights noted the National Assembly had adopted a number of important new laws designed to protect women and girls from violence, but recommended that effective monitoring and reporting mechanisms be put in place as the overall picture of women's rights in Pakistan, especially in rural areas, remains grim.³⁶

20. The High Commissioner noted that forms of entrenched institutional discrimination – with the Ahmadis particularly badly affected – need to be tackled at the legislative, administrative and social levels.³⁷

B. Right to life, liberty and security of the person

21. UNCT observed that the security and political contexts have created a series of challenges for the human rights agenda, particularly the right to life, liberty and security and their fulfilment.³⁸

22. During her visit, the High Commissioner for Human Rights heard of many instances in which the abduction, killing and intimidation of journalists, human rights defenders and lawyers are alleged to have been carried out by powerful and largely unaccountable State institutions, especially the military intelligence services. She also commended the President and Prime Minister for the de facto moratorium they had maintained on the death penalty during the past four years and urged the review of the cases of the more than 8,000 people on death row, and reducing the number of capital offences contained in the Penal Code and other laws.³⁹

23. CRC was deeply concerned at the violations of the right to life as a result of the prevailing internal armed conflict, population displacements, poor health and sanitation facilities, severe malnutrition and related illnesses.⁴⁰ In 2010, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted that civilian casualties in Pakistan resulting from drone strikes range from approximately 20 to many hundreds as the accuracy of drone strikes is heavily contested.⁴¹

24. CRC welcomed the adoption of the Protection of Women Act, which criminalizes violations of women's and girls' human rights,⁴² while expressing concern at the still widespread and increasing problem of honour killings, which are routinely imposed by *jirgas* (parallel judicial systems) in the tribal areas.⁴³ It was also concerned at the high percentage of women and girls in jails awaiting trials for adultery-related Hudood offences and at the imposition, by parallel judicial systems, of sentences like whipping, amputation and stoning amounting to torture or cruel, inhuman or degrading treatment.⁴⁴ The High Commissioner for Human Rights welcomed Pakistan's Supreme Court's observation that *jirgas* are illegal.⁴⁵ CRC remained concerned at the persistence of inhumane customs and rituals threatening the lives of and causing extreme insecurity, health hazards and cruelty to girl children, such as murders, burnings, acid attacks, mutilations, stripping and sexual harassment.⁴⁶

25. CERD recommended that Pakistan ensure the effective implementation of the laws aimed at protecting women from violence. It also encouraged Pakistan to adopt the Bill on domestic violence without delay.⁴⁷

26. CRC urged Pakistan to take all possible measures to prevent and prohibit the recruitment of children and their use in armed actions and terrorist activities, including suicide attacks. As highlighted by UNHCR, CRC urged making every effort to reinforce

protection of the right to life, survival and development of all children through policies, programmes and services that target and guarantee its implementation.⁴⁸ The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) observed that CRC expressed its concern that there were reports of children being recruited forcibly to participate in armed conflicts, especially in Afghanistan and in Jammu and Kashmir.⁴⁹

27. CERD was concerned about the persistent existence of bonded labour in Pakistan. It also expressed concern that such practice mainly affects marginalized groups such as scheduled castes.⁵⁰

28. CRC remained deeply concerned at reports of torture and ill-treatment of children by police officers in detention facilities and other State institutions.⁵¹

29. UNCT noted the continued legality of corporal punishment of children.⁵² CRC recommended that Pakistan, as a matter of urgency, repeal section 89 of the Penal Code of 1860 and explicitly prohibit all forms of corporal punishment in all settings and set up an effective monitoring system.⁵³

30. The ILO Committee of Experts noted that Pakistan continued to be a major destination for trafficked women, and a major transit country.⁵⁴ CRC urged Pakistan to take all measures to ensure the protection of children from international and internal trafficking and sale.⁵⁵

31. UNCT noted that Pakistan has taken some initiatives to combat child labour, by adopting a national policy, a plan of action and legislation. But capacity concerns remain high posing acute challenges.⁵⁶ The United Nations Children's Fund (UNICEF) noted protection issues negatively affected by floods remain, including trafficking and exploitation, child marriage and child labour.⁵⁷

32. The ILO Committee of Experts expressed concern at the high number of working children under the minimum age and urged the Government to redouble its efforts to improve this situation.⁵⁸

33. CRC reiterated its concern at the increasing number of children in street situations throughout the country, and at the lack of a systematic and comprehensive strategy to address the situation and protect these children.⁵⁹

C. Administration of justice, including impunity, and the rule of law

34. CRC was deeply concerned that the minimum age of criminal responsibility remains very low (7 years) and that juvenile offenders have reportedly been sentenced to death.⁶⁰ It recommended that Pakistan ensure that all child victims and/or witnesses of crimes have effective access to justice.⁶¹

35. In May 2012, at the end of her official visit to the country, the first in 13 years by a special procedures mandate holder, the Special Rapporteur on the independence of judges and lawyers stated that the independence of the judicial system should be reinforced as a matter of priority so as not to lose the gains from the democratic transition. She noted that the existence of two superior courts provided for by the Constitution was problematic and left space for interpretations which might be contradicting. She expressed her concern about the number and nature of reported cases of serious threats and attacks against judges and lawyers and stressed that the judiciary must be properly equipped and resourced. She was also concerned about the lack of clear criteria guiding the use of *suo moto*, which could undermine the Supreme Court's own nature and might jeopardize other pending cases from being considered by the Court on a timely basis.⁶²

36. In May 2012, the Special Rapporteur on the independence of judges and lawyers paid particular attention to the integration of a gender perspective and women's rights at all levels of the justice system. She noted that many stages of the justice system, starting with filing a case with the police, to accessing lawyers, and appearing and testifying before courts, were gender-biased, and therefore impeded the full functioning of justice for women. She also encouraged further strengthening of special trainings on human rights law, including training on gender equality and women's rights.⁶³

37. UNCT noted that there are a number of issues confronting the justice system including significant case backlogs and delays for the litigants, absence of provision of free legal aid for the poor, corruption and nepotism. Parallel legal systems make it even more challenging in terms of uniform and equal access to justice.⁶⁴

38. The Special Representative of the Secretary-General for Children and Armed Conflict called on the Government to take effective measures to protect children from grave violations of human rights through the thorough investigation of human rights violations and the prompt prosecution of perpetrators.⁶⁵

D. Right to privacy, marriage and family life

39. CRC recommended amending the Zina and Haddood Ordinances and the Child Marriages Restraint Act in order to align the marriage age of boys and girls by raising it for girls to 18 years.⁶⁶

40. UNCT observed that Pakistan has high levels of child marriage, although it is technically against the law. It recommended developing and implementing systems to prevent and discourage the practice of early marriage, and addressing attitudes and customs that promote or condone child marriage, as vital to improving legislation and ending child marriage and called for an urgent harmonization of those laws concerning the age of marriage.⁶⁷

E. Freedom of movement

41. UNCT noted that on the pretext of law and order and security, arbitrary measures have been put in place on various occasions limiting citizens' freedom of movement. Most such incidents are borne out of administrative powers vested in police and the executive. Increased militarization and security-driven policies adversely impact the right to freedom of movement. Women's mobility is the hardest hit especially in the crisis-ridden provinces and regions including the KP, Baluchistan and FATA.⁶⁸ The ILO Committee of Experts recalled that Pakistani passports include a mention of religion and that Ahmadi Muslims applying for a passport must sign a declaration to the effect that the founder of the Ahmadi movement is an impostor, which is designed to prevent members of this movement from obtaining passports identifying them as Muslims.⁶⁹

F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

42. CERD noted Pakistan's commitment to freedom of religion and the safeguards established but expressed concern about reported infringements of the right to freedom of religion and the risk that blasphemy laws may be used in a discriminatory manner against religious minority groups.⁷⁰

43. CRC was concerned that freedom of religion is limited in practice and that citizens who are normally governed by secular law might sometimes be subject to sharia law. It noted with concern reports of children of religious minorities having been restricted in studying and practising their religion.⁷¹

44. UNCT observed that issues such as lack of national identity card, restricted women's participation in 2008 national elections. It also noted that the next Population Census had once again been postponed indefinitely mostly out of political considerations.⁷²

45. UNCT noted that labour matters are now dealt with at the provincial level and that the Punjab Industrial Relation Act 2010 (PIRA) has restricted workers' rights and now requires the presence of at least fifty workers in a given company to form a trade union.⁷³

46. The ILO Committee of Experts in 2011 expressed concern at the situation of trade union rights and urged the Government to take the necessary measures to ensure the application in law and in practice of the rights enshrined in the Convention.⁷⁴

G. Right to work and to just and favourable conditions of work

47. The ILO Committee of Experts noted in 2011 the difficulties in the implementation of the Bonded Labour System (Abolition) Act (BLSA), 1992.⁷⁵

48. CRC welcomed the 2005 amendment to the Employment of Children Act enhancing the list of hazardous processes and occupations. However, it remained deeply concerned that the prevalence of child labour is extremely high and has increased in recent years; at the low and variable minimum age for admission to employment and at the poor implementation of the Convention.⁷⁶

49. UNCT noted that insecurity in employment exists; accident rates at workplaces are alarming and deplorable and that adequate and stringent measures are required to protect the working people.⁷⁷

50. UNCT noted that there are sufficient labour laws in place in the industrial and commercial sector, but no legal protection exists for workers in the large informal sector such as for agricultural workers and home-based workers. Furthermore, labour inspection is not extended to the informal sector, as a result of which workers suffer with regard to exercising their rights, protection of their wages and jobs and cannot access labour-related judicial remedy at times of disputes.⁷⁸

H. Right to social security and to an adequate standard of living

51. CRC was concerned that the rates of relative and extreme poverty remained very high and that indicators on adequate housing, nutrition, water and sanitation, and sewage remained alarming. It noted with concern that a high percentage of the population currently faces severe food shortages and that half of the population lives below or just at the poverty line.⁷⁹ UNICEF estimated that 36 per cent of the population lives below the poverty line. Many others live just above the poverty line, and are extremely vulnerable to shocks.⁸⁰

52. UNCT noted that despite plans to alleviate poverty, the capacity to implement and impact at the local level remains an issue, food insecurity has increased and distributional inequalities persist with reports suggesting that around 60 per cent of the total population is facing food insecurity.⁸¹ WHO noted that malnutrition remains widespread and outcomes have not changed significantly over the last two decades.⁸² UNCT observed that there is evidence to suggest that members of some business associations have been-and continue to

engage in collusive behaviour that maximizes profits for its members at the expense of consumers thus intensifying the existing inequalities.⁸³

I. Right to health

53. UNCT stated that the overall budget for the health sector has never exceeded more than 1.0 per cent of GDP with a decline to 0.7 per cent in 2009. There is also a shortage of qualified health personnel, particularly female health-care providers, along with capacity deficits.⁸⁴ CRC recommended that Pakistan make every effort to meet its commitment of increasing annually the allocations to the health sector by 16 per cent in order to reach an adequate level of resources and, inter alia, take immediate action to reduce infant, child and maternal mortality rates.⁸⁵

54. UNCT stated that approximately 1 in 89 women in Pakistan will die of maternal causes.⁸⁶ WHO noted that nearly 11,000 women and girls die annually while giving birth. CRC remained concerned at the lack of access to sexual and reproductive health counselling and services and at the link between the high rate of abortion and low contraceptive use. It noted with concern that clandestine abortion was a major cause of maternal mortality.⁸⁷

55. The World Health Organization (WHO) stated that Pakistan is one of the four remaining countries worldwide with endemic polio and that tuberculosis (TBC) remains one of the major health problems.⁸⁸

56. UNICEF noted that extensive damage was caused by flooding to rural health care infrastructure in all four provinces.⁸⁹ This damage and the displacement and shortage of (especially female) frontline health-care personnel is still a massive challenge. Women's limited access to health care and behaviours which result in women not seeking health care are also of concern. UNICEF also noted that access to improved water sources and toilet usage dropped and these remain critical issues.⁹⁰

J. Right to education

57. UNCT noted that no specific new budget allocations or budget increases have been recorded. As many as 7.3 million primary school aged children (57 per cent girls) are out of school and 50 million adults are illiterate.⁹¹ UNICEF noted that the primary school enrolment rate has been negatively affected by the floods.⁹² The High Commissioner for Human Rights expressed concern at the very low literacy rate of women and girls especially in areas such as the FATA and called for immediate actions and interventions.⁹³

58. CRC recommended that Pakistan increase funding for education to 5 per cent of GDP by 2010 and to 7 per cent by 2015 and set up clear implementation plans for achieving universal free primary education by 2015.⁹⁴

59. CRC regretted that there was still a large number of unregistered madrasas and that the introduction of secular subjects in the curricula has only been partially implemented. Furthermore, it was deeply concerned at reports of violence, ill-treatment, corporal punishment, sexual abuse and illegal detention within madrasas and of madrasas being used for military training.⁹⁵ CRC and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict called on the Government to strengthen its current efforts to address the recruitment of children into armed groups and their use in hostilities.⁹⁶ The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported an increase in recruitments of children from schools for training as suicide bombers.⁹⁷

60. UNCT noted that Pakistan lags behind in terms of achieving Education For All (EFA) goals set for 2015 despite its commitment and ratification to the EFA Framework of Action during the Dakar World Education Forum in April 2000. It further noted that political commitment and leadership needs to be further supported..⁹⁸

61. In 2011 UNESCO observed that from 2007 to March 2009, 116 schools were either damaged or completely destroyed by attacks. Most schools have been targeted, although girls' schools are often singled out. Public threats made by leading Taliban members of attacks on all girls' schools led to the closure of 900 government and private schools, denying access to education for 120,000 female students.⁹⁹ A UNDP Human Development Report noted that more than 50 per cent of young people speaking Baluchi or Saraiki have received less than four years of education.¹⁰⁰

62. The 2009-2012 the United Nations Development Assistance Framework (UNDAF) noted national challenges such as wide gender gaps in education enrolment; inequalities in provision of education; uncertain political commitment; low budgetary allocations, low utilization of funds; lack of proper infrastructure and low quality of education.¹⁰¹

63. The Special Representative of the Secretary-General for Children and Armed Conflict called on the Government to investigate allegations of the use of schools by armed groups influenced by and/or associated with the Taliban or Al-Qaida, including the Tehrik-i-Taliban Pakistan (TTP).¹⁰²

K. Cultural rights

64. CERD recommended that Pakistan aim to preserve minorities' languages and culture.¹⁰³

65. UNCT noted the significant development following the 18th Amendment with the devolution of culture to the provinces in 2011, providing an opportunity to empower local communities to gain ownership of their local cultural heritage, yet noted challenges with regard to capacity and resources to properly manage the cultural heritage.¹⁰⁴

L. Persons with disabilities

66. CRC was concerned about the very limited basic services supporting children with disabilities and at their limited access to education, health, social services, social events and cultural activities. It was also concerned at the lack of adequate infrastructure for them and at the low level of support received by these children and their families.¹⁰⁵

67. UNCT noted that there remains a considerable attitudinal and behavioural form of exclusion of persons with disabilities. Significant steps are required in terms of shifting the charity-oriented approach towards those persons.¹⁰⁶

M. Minorities and indigenous peoples

68. UNCT noted that the indigenous communities in Pakistan including migratory (Koochis) pastoral (Rebari and Bakarwal), nature-based (Kalash and Kehal), and in some cases entertainment and occupation-based (Jogi, Kabootra and Sanyasi), remain excluded and vulnerable as the national laws do not recognize and protect their particular culture and livelihood practices. Most are not registered in voter lists.¹⁰⁷

69. CERD welcomed the steps taken by Pakistan to ensure adequate political participation of minorities. However, it noted that minorities are comprehended by Pakistan

exclusively as religious minorities other than Muslims and that no specific policy or legislative framework appeared to exist to ensure appropriate representation of all ethnic groups.¹⁰⁸ It expressed concern about reports on the situation in Baluchistan regarding acts of violence against foreigners and Baluchi civilians.¹⁰⁹

70. The ILO Committee of Experts recalled its previous comments concerning certain provisions of the Penal Code on offences relating to religion (“blasphemy laws”) as some of these offences single out the members of the Ahmadi minority. The Committee noted the 5 per cent quota for the employment of minorities in federal government employment that apply to any person who is “a non-Muslim” (“a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who call themselves ‘Ahmadis’ or by any other name, or a Bahai, and a person belonging to any of the Scheduled Castes”).¹¹⁰

N. Migrants, refugees and asylum seekers

71. UNCT noted that Pakistan has shouldered the largest population of refugees, mostly displaced by the conflict in Afghanistan.¹¹¹ CRC remained concerned at the harsh living conditions in refugee camps and reports of harassment and extortion by the police.¹¹²

72. UNHCR recommended that Pakistan fully implement the provisions of the Afghan Management and Repatriation Strategy endorsed and approved by the Cabinet in March 2010.¹¹³

73. UNHCR recommended that the Government provide access to health care, education and other services for Afghan refugees, particularly in the education sector and consider inclusion of registered Afghans in national development plans, particularly in the health and education sectors.¹¹⁴

74. UNHCR recommended that Pakistan conduct an assessment of the scope of statelessness in Pakistan with the support of UNHCR and consider examining national legal and administrative frameworks.¹¹⁵ UNCT and CRC were concerned that nearly three-quarters of all births are not registered by the Government’s own reckoning.¹¹⁶ CRC was concerned at the practice of denying birth registration when parents cannot prove their citizenship.¹¹⁷ CRC recommended ensuring the full implementation of measures taken to remove structural obstacles to birth registration.¹¹⁸

O. Internally displaced persons

75. UNCT noted that sectarian violence has added new complexity to an environment fraught with insecurity causing displacements. Towards the end of 2011, more than 100,000 registered IDP families remained displaced - in camp and off-camp settlements.¹¹⁹ Military operations started in January 2012 in Khyber Agency, FATA, displacing more than 47,600 IDP families as of the end of April 2012.¹²⁰ UNHCR noted that after the disastrous floods of 2010, the 2011, floods again affected about 5.2 million people in Sindh and Baluchistan Provinces, causing large-scale displacement. UNHCR recommended that principles and standards of International Humanitarian Law and International Human Rights Law be fully respected and a comprehensive IDP policy be adopted which is consistent with the United Nations Guiding Principles on Internal Displacement.¹²¹ UNCT observed that reconstruction and rehabilitation are progressing very slowly.¹²² UNICEF noted that in north-western Pakistan, more than 1 million people (including flood-affected) remain displaced following the 2009-2010 military action, with new operations in 2011 displacing more than 5,000 additional families.¹²³

76. UNHCR noted that the response from the authorities has been forthcoming but a series of protection issues have emerged in both the 2010 and 2011 flooding such as difficulties in access to assistance and services by vulnerable individuals/groups; exclusion from assistance on discriminatory grounds (religious/ethnic minorities); politicization of aid; lack or loss of civil documentation hindering access to assistance and land rights and security of tenure.¹²⁴

77. UNHCR called upon the Government to take specific measures to provide protection and assistance to vulnerable groups including to children affected by conflicts, in line with the 2009 recommendations of CRC.¹²⁵ CRC was concerned that internally displaced children in Pakistan were facing serious socio-economic deprivation.¹²⁶

P. Right to development and environmental issues

78. The 2009-2012 United Nations Development Assistance Framework (UNDAF) noted that the effects of global climate change, such as droughts and floods, add to the environmental stress by compounding food security, shelter and other problems that affect especially the living standards of the poor.¹²⁷

79. CERD noted with concern the current unequal economic and social development between the different provinces and therefore the different ethnic groups in Pakistan.¹²⁸ UNCT also noted that inequality rankings show wide disparities between as well as within provinces, as Punjab and Sindh turn out to be more developed for a range of indicators than Baluchistan, KP and FATA.¹²⁹

80. In 2011, UNICEF reported that the pre-flood challenges in achieving the Millennium Development Goals (MDGs) were aggravated by the floods.¹³⁰

Q. Human rights and counter-terrorism

81. The High Commissioner for Human Rights was concerned about allegations of very grave violations in the context of counter-terrorist and counter-insurgency operations. These include extrajudicial killings, unacknowledged detention and enforced disappearances.¹³¹

82. The Special Representative of the Secretary-General for Children and Armed Conflict called on the Government to ensure that any anti-terror legislation contains safeguards for children.¹³²

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation from the previous cycle (A/HRC/WG.6/xx/xx/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities; OP-CRPD Optional Protocol to CRPD;
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

⁴ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

⁹ International Labour Organization Convention No.169, concerning Indigenous and Tribal Peoples in Independent Countries.

¹⁰ International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.

¹¹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/PAK/CO/20 16), paras. 25-28.

- ¹² Concluding observations of the Committee on the Rights of the Child (CRC/C/PAK/CO/3-4), paras. 102-103.
- ¹³ Ibid., para. 87.
- ¹⁴ CRC/C/PAK/CO/3-4, para.83; CERD/C/PAK/CO/20, para. 15; UNHCR submission to the UPR on Pakistan, pp. 4 and 5.
- ¹⁵ UNCT submission to the UPR on Pakistan, p 1.
- ¹⁶ CRC/C/PAK/CO/3-4, paras. 8-9 and 14-15.
- ¹⁷ Ibid., paras. 93-94.
- ¹⁸ UNCT submission to the UPR on Pakistan, p 7.
- ¹⁹ CERD/C/PAK/CO/20, para. 9.
- ²⁰ CRC/C/PAK/CO/3-4, paras. 12-13.
- ²¹ Ibid., paras. 22-23.
- ²² UNCT submission to the UPR on Pakistan, p. 2.
- ²³ The High Commissioner for Human Rights, media statement at a press conference during her mission to Pakistan, Islamabad, on 7 June, 2012.
- ²⁴ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination; |
| CESCR | Committee on Economic, Social and Cultural Rights; |
| HR | Committee Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CAT | Committee against Torture; |
| CRC | Committee on the Rights of the Child; |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ²⁵ CERD/C/PAK/CO/20, paras 31-33; CRC/C/PAK/CO/3-4, para. 107.
- ²⁶ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ²⁷ See A/HRC/18/51, A/HRC/19/44, A/HRC/20/30 and A/HRC/21/49.
- ²⁸ UNCT submission to the UPR on Pakistan, p.2.
- ²⁹ CERD/C/PAK/CO/20, para. 11.
- ³⁰ CRC/C/PAK/CO/3-4, para. 31. See also UNHCR excerpts-submissions to the UPR on Pakistan, page 1.
- ³¹ CERD/C/PAK/CO/20, para. 12.
- ³² UNCT submission to the UPR on Pakistan, pp. 1 and 5.
- ³³ CRC/C/PAK/CO/3-4, paras. 28-29.
- ³⁴ UNCT submission to the UPR on Pakistan, p. 7.
- ³⁵ Ibid., p. 5.
- ³⁶ The High Commissioner for Human Rights, media statement at a press conference during her mission to Pakistan, Islamabad, on 7 June, 2012.
- ³⁷ Ibid.
- ³⁸ UNCT submission to the UPR on Pakistan, p. 6.
- ³⁹ The High Commissioner for Human Rights, media statement at a press conference during her mission to Pakistan, Islamabad, on 7 June, 2012.
- ⁴⁰ CRC/C/PAK/CO/20 15, paras. 35-36.
- ⁴¹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum, Study on targeted killings, (A/HRC/14/24/Add.6), para. 19.
- ⁴² CRC/C/PAK/CO/3-4, para. 4.
- ⁴³ Ibid., paras. 37-38.
- ⁴⁴ Ibid., paras. 45-46.
- ⁴⁵ The High Commissioner for Human Rights, media statement at a press conference during her mission to Pakistan, Islamabad, on 7 June, 2012.
- ⁴⁶ CRC/C/PAK/CO/3-4, paras. 68-69.
- ⁴⁷ CERD/C/PAK/CO/20, para. 17.
- ⁴⁸ CRC/C/PAK/CO/3-4, paras. 86, 87 and 36. See also UNHCR excerpts- submissions to the UPR on Pakistan, page.1.

- ⁴⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 062011PAK182, sixth paragraph.
- ⁵⁰ CERD/C/PAK/CO/20, para. 21.
- ⁵¹ CRC/C/PAK/CO/20, paras. 45-46.
- ⁵² UNCT submission to the UPR on Pakistan, p. 6.
- ⁵³ CRC/C/PAK/CO/20, paras. 47-48.
- ⁵⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Forced Labour Convention, 1930 (No. 29), 2011, Geneva, doc. No. (ILOLEX) 062011PAK029, seventh paragraph.
- ⁵⁵ CRC/C/PAK/CO/3-4, paras. 95-96. See also the ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 062011PAK182, second paragraph.
- ⁵⁶ UNCT submission to the UPR on Pakistan, p. 9.
- ⁵⁷ UNICEF, Progress Report: Children in Pakistan, Pakistan, 2011, p. 6, available at http://www.unicef.org/infobycountry/files/Pakistan_One_Year_After_the_Floods_-_Final_Report_-_Hi-res.pdf.
- ⁵⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Minimum Age Convention, 1973 (No. 138), 2011, Geneva, doc. No. (ILOLEX) 062011PAK138, eleventh paragraph.
- ⁵⁹ CRC/C/PAK/CO/3-4, paras. 91-92.
- ⁶⁰ Ibid., paras. 99-100.
- ⁶¹ Ibid., para. 101.
- ⁶² UN press release of 29 May 2012, United Nations Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela KNAUL, Preliminary observations on the official visit to the Islamic Republic of Pakistan - Islamabad, 29 May 2012, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12163&LangID=E>.
- ⁶³ Ibid.
- ⁶⁴ UNCT submission to the UPR on Pakistan, p. 7.
- ⁶⁵ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Pakistan.
- ⁶⁶ CRC/C/PAK/CO/3-4, paras. 26-27.
- ⁶⁷ UNCT submission to the UPR on Pakistan, pp. 7 and 8.
- ⁶⁸ Ibid., p. 8.
- ⁶⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 062011PAK111, eighth and tenth paragraphs.
- ⁷⁰ CERD/C/PAK/CO/20, para. 19.
- ⁷¹ CRC/C/PAK/CO/3-4, paras. 43-44.
- ⁷² UNCT submission to the UPR on Pakistan, p. 8.
- ⁷³ Ibid., pp. 8 and 9.
- ⁷⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2011, Geneva, doc. No. (ILOLEX) 062011PAK087, eighth paragraph.
- ⁷⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Forced Labour Convention, 1930 (No. 29), 2011, Geneva, doc. No. (ILOLEX) 062011PAK029, second paragraph.
- ⁷⁶ CRC/C/PAK/CO/3-4, paras. 4, 88 (b) and 89.
- ⁷⁷ UNCT submission to the UPR on Pakistan, p. 6.
- ⁷⁸ Ibid., p. 7.
- ⁷⁹ CRC/C/PAK/CO/3-4, paras. 76-77.
- ⁸⁰ UNICEF, Annual Report 2010, Islamabad, 2010, pp. 5, 6, 8, available at http://www.unicef.org/pakistan/UNICEF_Pakistan_2010_Annual_Report_-_low_res.pdf. See also WHO, Pakistan Floods 2010: Early Recovery Plan for the Health Sector, 2010, Pakistan, 2011, p. 12, available at http://www.who.int/hac/crises/pak/pakistan_early_recovery_plan_12february2011.pdf.

- 81 UNCT submission to the UPR on Pakistan, p. 10. See also the results of the National Nutrition Survey, termed by health experts as “alarming”, indicating a significant decline in the nutritional status of the people of the country over the past decade.
- 82 WHO, Pakistan Floods 2010: Early Recovery Plan for the Health Sector, 2010, Pakistan, 2011, p. 17, available at http://www.who.int/hac/crises/pak/pakistan_early_recovery_plan_12february2011.pdf.
- 83 UNCT submission to the UPR on Pakistan, p. 6. See also Pakistan’s National Nutrition Survey (NNS), 2011.
- 84 UNCT submission to the UPR on Pakistan, p. 11.
- 85 CRC/C/PAK/CO/3-4, paras. 60-61.
- 86 UNCT submission to the UPR on Pakistan, p. 11.
- 87 CRC/C/PAK/CO/3-4, paras. 64-65.
- 88 WHO, Pakistan Floods 2010: Early Recovery Plan for the Health Sector, 2010, Pakistan, 2011, p. 18, 19, 20, available at http://www.who.int/hac/crises/pak/pakistan_early_recovery_plan_12february2011.pdf.
- 89 UNICEF, Progress Report: Children in Pakistan, Pakistan, 2011, p.8, at http://www.unicef.org/infobycountry/files/Pakistan_One_Year_After_the_Floods_-_Final_Report_-_Hi-res.pdf.
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- 91 UNCT submission to the UPR on Pakistan, p. 11.
- 92 UNICEF, Progress Report: Children in Pakistan, Pakistan, 2011, p. 6, available at http://www.unicef.org/infobycountry/files/Pakistan_One_Year_After_the_Floods_-_Final_Report_-_Hi-res.pdf.
- 93 The High Commissioner for Human Rights, media statement at a press conference during her mission to Pakistan, Islamabad, on 7 June, 2012.
- 94 CRC/C/PAK/CO/3-4, paras. 78-79.
- 95 Ibid., paras. 80-81.
- 96 Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Pakistan, CRC/C/PAK/CO/3-4, para. 81.
- 97 UNESCO, The Quantitative Impact of Conflict on Education, Montreal, 2011, p. 48, available at <http://unesdoc.unesco.org/images/0021/002145/214576e.pdf>.
- 98 UNCT submission to the UPR on Pakistan, p.12.
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- 101 Pakistan- One Program Document 2009-2012, Niamey, 2009, p. 17, available at <http://www.undg.org/docs/12427/One-Program-Documents-2009-12.pdf>.
- 102 Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission to the UPR on Pakistan,
- 103 CERD/C/PAK/CO/20, para. 22.
- 104 UNCT submission to the UPR on Pakistan, p. 12.
- 105 CERD/C/PAK/CO/20, paras. 58-59.
- 106 UNCT submission to the UPR on Pakistan, p. 13.
- 107 Ibid., p. 13.
- 108 CERD/C/PAK/CO/20, para. 18.
- 109 Ibid. para. 16.
- 110 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 062011PAK111, eighth and tenth paragraphs
- 111 UNCT submission to the UPR on Pakistan, p. 13.
- 112 CRC/C/PAK/CO/3-4, paras 82-83.
- 113 UNHCR submission to the UPR on Pakistan, p.1.
- 114 Ibid., p.6.
- 115 Ibid., p.9.
- 116 UNCT submission to the UPR on Pakistan, p. 6; CRC/C/PAK/CO/3-4, paras. 41-42.
- 117 CERD/C/PAK/CO/20, para. 41.
- 118 CRC/C/PAK/CO/3-4, para.42. See also UNHCR excerpts- submissions to the UPR on Pakistan, page.1.

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- ¹¹⁹ UNCT submission to the UPR on Pakistan, p. 13.
- ¹²⁰ Ibid., p. 14.
- ¹²¹ UNHCR submission to the UPR on Pakistan, p.7.
- ¹²² UNCT submission to the UPR on Pakistan, p. 13.
- ¹²³ UNICEF, Progress Report: Children in Pakistan, Pakistan, 2011, p. 6, available at http://www.unicef.org/infobycountry/files/Pakistan_One_Year_After_the_Floods_-_Final_Report_-_Hi-res.pdf.
- ¹²⁴ UNHCR submission to the UPR on Pakistan, p. 7.
- ¹²⁵ Ibid., p. 8.
- ¹²⁶ CRC/C/PAK/CO/3-4, paras. 84-85.
- ¹²⁷ Pakistan- One Program Document 2009-2012, Niamey, 2009, p. 19, available at <http://www.undg.org/docs/12427/One-Program-Documnet-2009-12.pdf>.
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