

SUMMARY RECORD OF THE 322ND MEETING

held on Thursday, 31 March 1977, at 3.20 p.m.

Chairman:

Mr. KAPTEYN

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued):

(i) FOURTH PERIODIC REPORTS OF STATES PARTIES DUE IN 1976 (continued)

Pakistan (CERD/C/R.90/Add.22)

1. At the invitation of the Chairman, Mr. Sattar (Pakistan) took a place at the Committee table.

2. Mr. SATTAR (Pakistan) said he would like to supplement his country's fourth periodic report (CERD/C/R.90/Add.22) by giving the Committee some additional information. He would also answer any questions which the Committee might wish to ask him; those which he could not answer would, where necessary, be communicated to his Government for a subsequent reply.

3. His country's report was brief because his Government had already given most of the desired information in its first three periodic reports. The Committee had regretted the absence of information about the implementation of article 7 and the ethnic composition of the population of Pakistan. The fourth report did not contain any information about the ethnic composition of the population either, because his country had no data about its people based on their race, colour, descent or national or ethnic origin. If the Committee wished to obtain information about the languages spoken in Pakistan, however, they could easily be supplied with it in the form of tables taken from the report on the 1972 population census. His Government had supplied information about religious minorities, because it had viewed the question of discrimination against the background of the country's history. In Pakistan, there were no racial or ethnic minorities but only religious minorities, which represented less than 5 per cent of the population. This figure - 1,840,037 persons according to the 1972 census - included the Christians, Hindus, Parsees and Buddhists, but not the members of the Ahmadi community, who would not be covered until the next census. His Government had always endeavoured to safeguard the rights and interests of those minorities and the reports submitted gave the necessary information on that point. A Minorities Week and a Minorities Conference had been held, a Declaration on Minorities had been published, and an Advisory Council and a Cultural Council of the minorities had been set up; other measures had been taken and celebrations held, and they were referred to in the fourth report.

4. His country had always condemned policies of segregation and apartheid, and it had also made a tangible contribution towards the advancement of the struggle for self-determination and human dignity. In particular, it had given the equivalent of \$100,000 to assist Mozambique in offsetting the consequences of the application of sanctions against the racist régime in Rhodesia. In conclusion, he drew attention to the message issued by the Prime Minister of Pakistan during the celebration of the International Day for the Elimination of Racial Discrimination.

5. Mr. NABAVI commended the Government of Pakistan on the report which it had submitted to the Committee and on the way in which it was applying the provisions of the Convention. There were, however, two questions which he wished to put to the representative of Pakistan. The first concerned the ethnic composition of the population in Pakistan. When the third report had been considered, it had been suggested that, in its fourth report, Pakistan should furnish information about its ethnic minorities. According to the reply which had just been given, Pakistan did not have any ethnic minorities, but only religious minorities. Despite that answer, it ought still to be asked whether the population of Pakistan was made up of a single race and really consisted of a single ethnic group.

6. The second question concerned the application of article 7 of the Convention. He would like to know whether, besides the teaching of the principles of Islam, which condemned all discrimination, and in addition to the celebrations mentioned in the report, Pakistan had taken other specific measures to carry out the provisions of article 7, which were of fundamental importance.

7. Mr. NETTEL said the report was very interesting, but he found it difficult to understand that in a country of the size of Pakistan there were no groups of people differing by race or ethnic origin. Moreover, to state that "the minorities in Pakistan are essentially religious minorities" (CERD/C/R.90/Add.22, p.2) seemed to him to imply that there were other minorities, unless a religious minority and an ethnic minority were held to be the same thing. He would like to have clarifications on that point. In any case, even if there were no ethnic minorities or racial discrimination, there was no reason why provisions concerning the protection of ethnic or racial minorities should not be included in the Constitution of Pakistan, as provided in the Convention. The second periodic report of Pakistan contained a certain amount of information about the populations of backward areas which observed tribal laws and customs. To the extent that such customs only arose among populations of a different ethnic origin, the impression was given that different ethnic groups did in fact exist and needed to be protected by special laws. The representative of Pakistan should say whether the religious minorities in his country corresponded to what should be regarded as ethnic minorities, or whether, on the contrary, there were no people of different ethnic origin in Pakistan, a situation which would make it unnecessary to apply the measures contained in the Convention.

8. Mr. VALENCIA RODRIGUEZ, after thanking the representative of Pakistan for his statement, drew attention to all the measures taken by the Government of Pakistan, and referred to in the report, in favour of the campaign against racial discrimination; he noted with satisfaction those which had been taken on behalf of minorities, which, according to the report, were only religious minorities in the case of Pakistan. The importance of article 36 of the Constitution of Pakistan, which protected the interests of minorities and enabled them to be represented in the national and provincial assemblies, should also be emphasized. He asked whether the recognition of the Ahmadis as a minority had been based on religious or on racial grounds. Pakistan's fourth report, therefore, supplemented and brought up to date its previous reports, and from that point of view it was generally satisfactory.

9. Mrs. WARZAZI thanked the Government of Pakistan for the additional information given in its fourth report. She noted with satisfaction the measures taken to keep public opinion informed about the struggle against racism; the evils afflicting the world could only be eliminated by education and information. Although she welcomed the observance of the International Day for the Elimination of Racial Discrimination, she thought that additional efforts should perhaps be made to carry

out more effectively the activities provided for in article 7 of the Convention. She expressed her satisfaction with the measures taken on behalf of religious minorities, although the question of religious minorities did not come within the Committee's terms of reference. She looked forward with interest to the reply that would be given to Mr. Nabavi's question.

10. Mr. BLISHCHENKO noted that Pakistan's report contained a good deal of information which gave an idea of the efforts made by Pakistan to discharge its responsibilities under the Convention. But he too questioned the extent to which the population of Pakistan constituted a completely homogeneous race. The Government of Pakistan had recently created autonomous regions in order to develop the economy, and that measure perhaps amounted to an implicit acknowledgement of the fact that several ethnic groups did exist. In any case, from that point of view the information given about the religious minorities was not superfluous.

11. It was regrettable that none of the reports submitted by Pakistan gave any information about the application of article 7 of the Convention, which nevertheless was a fundamental one. He also drew the attention of the representative of Pakistan to the obligations arising under article 5 of the Convention, particularly with regard to political, civil, economic and social rights. With regard to the application of article 3, he would like to know what attitude Pakistan had adopted towards the International Convention on the Suppression and Punishment of the Crime of Apartheid. He was glad to see that a dialogue had been established between Pakistan and the Committee for collective measures against racial discrimination.

12. Mr. BAHNEV said that in considering the fourth periodic report from Pakistan, account should be taken of the previous reports submitted by that country. With regard to relations with South Africa, Southern Rhodesia and the other countries where an apartheid régime was enforced, he thought that Pakistan had shown sufficiently clearly that it did not entertain diplomatic or economic relations with those governments, and the message issued on behalf of the Prime Minister, which appeared in annex 1 of the report, was evidence of the support given by Pakistan to the campaign being conducted against racism and apartheid and against the racist régimes of Pretoria and Salisbury.

13. Turning to the application of the provisions of article 7 of the Convention, he said that he shared Mrs. Warzazi's view that it was not enough to teach pupils in educational establishments the basic precepts of Islam in order to ensure that there was no racial discrimination. There were many aspects of that article on which the representative of Pakistan might usefully give additional information.

14. With regard to the religious minorities, the celebration in Pakistan of Minorities Week was a source of satisfaction, as it helped to improve the position of the non-Moslem minorities. That measure followed on those mentioned in the second report and provided an indispensable foundation for a reduction in the inequalities between the various population groups. That was an important aspect of the application of article 5 of the Convention and he would therefore like to have fuller information about those groups and on the autonomous regions established in Pakistan.

15. The aim was to integrate those minorities into social life without weakening their convictions. In that connexion it was important to abolish misery and poverty and to raise the living standards of the groups involved; it was necessary to know what actual steps had been taken to that end.

16. He also associated himself with Mr. Nettel's remarks about the vagueness of the expression "loyal minorities shall be treated generously" in the third paragraph of the preamble to the Declaration on Minorities, reproduced as annex II to the report. He wondered in what context that expression was employed and how non-loyal minorities would be treated.

17. In general, there was some lack of clarity in the presentation of the report. On that point, he suggested that the Committee might in future consider a form of presentation based on a questionnaire relating to each of the articles of the Convention; such a method would make the reports more readily comparable.

18. Mr. PARTSCH said he wished to mention more particularly the question of the representation of minorities. Like a number of other speakers, he was aware of the difficulty of drawing a clear distinction between ethnic minorities and religious minorities and of the particularly difficult task confronting the Pakistan Government because of the diversity of conditions and populations. It was possible that belonging to a religion created a certain political awareness or might sometimes give a religious group the characteristics of an ethnic minority.

19. As the Pakistan Government did not have data available on the ethnic composition of religious minorities, he wondered what criteria had been used as a basis for determining the number of seats reserved for minorities in the National Assembly. Furthermore, it would be useful from the technical point of view to know what system of election had been adopted so as not to weaken the representation of the majority. If a system of proportional representation based on a single list for the whole country were used, the situation was satisfactory, but the position was different if there were constituencies of the United Kingdom type, in which only the members of a single group were elected.

20. With regard to the application of the provisions of article 4 of the Convention, it should be remembered that Act VI of 1973, which provided for severe penalties for activities constituting racial discrimination, had met with the approval of the members of the Committee when the third periodic report from Pakistan was being examined.

21. Mr. DECHEZELLES commended what had been done by Pakistan to eliminate racial discrimination and to bring about greater equality in the country, and said that he would follow those efforts with interest and sympathy. In his view the report under consideration was very satisfactory.

22. During the discussion of that report, much had been said about the question of religion. The religious situation could indeed serve as a background for the study of difficulties to which the application of the Convention gave rise. It would be useful, however, to have more detailed information on the ethnic composition of the population.

23. To arrive at a real understanding of the scale of the problem, it should be placed within its over-all context; account needed to be taken, in particular, of the fact that after the massive transfer of populations which took place in 1947, the Moslems represented about 97 per cent of the population, the remainder being made up of scattered religious groups. It also had to be remembered that Pakistan consisted of four large regions which differed in language, ecology, customs and social organization. Thus in the Punjab, there was a mainly rural society where political and economic power belonged to the landed proprietors (zamindar) who were



grouped to constitute larger entities. All the other village groupings consisted chiefly of artisans, or kammi, and of landless agricultural workers. It would be of interest to know how the relations between the landed proprietors and those workers were organized, and what steps had been taken by Pakistan to reduce the differences between the two categories in accordance with the operative provisions of the Declaration on Minorities reproduced as annex II to the report.

24. In the provinces along the north-west frontier, there was an ethnic minority, the Pathans, who spoke a distinct language and obeyed a very strict moral code which made vengeance a sacred duty, but imposed an obligation to grant hospitality to those who asked for it. The report from Pakistan did not say what was being done for that minority.

25. In Baluchistan, an immense arid region with a sparse population, there were tribes which originally spoke their own language and had a social organization with a very clearly marked hierarchy, but which were no longer distinguishable from the remainder of the Pakistan population. It would be desirable to know what was the present situation of that minority.

26. Finally, in Sind, a region bordering on the Indus, there was a group of peoples speaking Sindhi and with a régime of a feudal type.

27. The diversity of those conditions and populations gave some idea of the extent of the task to be carried out by Pakistan to give effect to the International Covenants on human rights, and any progress in that connexion could only be achieved gradually.

28. Mr. HOLLIST thanked the Pakistan Government for the co-operation which it had shown in submitting a detailed report to the Committee. He agreed with previous speakers that it was necessary to have additional information about the ethnic minorities. With regard to the application of the provisions of article 7 of the Convention, he pointed out that, according to the report, pupils were not required to follow religious instruction when the religion concerned was not theirs. In any case, religious teaching, whether it was a question of Islamic precepts or of any other principles, was not enough to draw the attention of young people to the dangers of racial discrimination.

29. Mr. BRIN MARTINEZ commended Pakistan on the efforts it was making to apply the recommendations of the Convention. He had taken particular note of the measures taken to give effect to the provisions in article 7 of the Convention, and of the message reproduced as annex I in which the apartheid policy of South Africa was severely condemned. Pakistan demonstrated in that message that it was following the recommendations of the General Assembly for the breaking off of all relations with the racist Government of South Africa; as Mr. Blishchenko had pointed out, however, the report did not give enough information about the trade relations of Pakistan with South Africa.

30. Again, as a number of other speakers had pointed out, the report did not distinguish sufficiently clearly between religious minorities and ethnic minorities. Lastly, paragraphs 4, 5, 6, 7 and 8 of the Declaration on Minorities in annex II to the report were drafted in the future tense - at all events in the Spanish text. The representative of Pakistan should say whether it was a declaration of intent or whether a start had already been made with the application of the measures referred to.

31. Mr. DAYAL thanked Pakistan for the additional information it had provided in its fourth report. It was true, as Mr. Nabavi had said, that the Committee was not concerned with religious minorities, but solely and essentially with discrimination based on colour, race, descent or national or ethnic origin. However, the information provided by Pakistan on religious minorities was useful in that it reflected the Pakistani Government's concern to treat those minorities fairly and equitably.

32. It appeared from the census of 1972 that the number of inhabitants belonging to religious minorities amounted to about 1,840,000. It would be interesting to compare that figure with the figure for the total population, and he would like to know what the total population of Pakistan now was.

33. He had learnt with interest that the Pakistani Government had defined the term "Muslim", and that members of the Ahmadi community were now treated as non-Muslims. He asked whether the Ahmadis themselves had sought minority status in order to benefit from the protection afforded to other religious minorities, or if there had been other reasons. He further asked if that minority enjoyed the rights accorded to other religious minorities and whether it was represented in the national and provincial assemblies. He would also like to know whether, in general, members of religious minority groups could hold high public office and in particular whether they could be appointed to the posts of Prime Minister or President.

34. He recalled that a state of emergency existed in Pakistan, and he enquired to what extent that situation affected the provisions relating to fundamental rights guaranteed in the 1973 Constitution.

35. In conclusion, he thanked Pakistan for the co-operation it was giving to the Committee in the realization of their common objectives.

36. Mr. SAYEGH thanked the Pakistan Government for its continuing co-operation with the Committee and for the information which it had given in its fourth periodic report. He would mention, however, that, at its ninth session, the Committee had noted that the third report did not contain any information on the application of article 7 of the Convention, which was of particular importance. The fourth report did not appear to fill that gap. It was true that the provisions of article 7 were complex, but the text of the article clearly stated the means to be employed and the aims to be followed in future in the spheres of teaching, culture and information. The report should state, for example, what were the teaching curricula, and other details. Article 7 clearly distinguished three aims: combating prejudices leading to racial discrimination; promoting understanding, tolerance and friendship among nations and racial groups; and, finally, propagating the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Convention itself. If the measures at present taken by Pakistan to give effect to those recommendations were not adequate, he hoped that the discussions of the Committee would convince it of the urgency of that task.

37. Furthermore, the report did not provide information about the demographic composition of Pakistan. Reference had already been made at the current meeting and at the previous meeting to the criteria used to define minority groups; it had been recognized that information on the status of groups identified entirely by their language or religion did not fall within the framework of the Convention, but the question was in reality much more complex. Among the criteria mentioned in article 1, only race or colour could be recognized without doubt. Furthermore, religious practices adopted by groups which had been isolated from other groups of

the population for centuries might have given rise to ethnic and linguistic differences. It was therefore very difficult to draw a clear-cut distinction between the groups. In the light of those considerations he would like to ask the representative of Pakistan if what were described in the report as essentially religious minorities had not acquired ethnic characteristics.

38. He supported the idea that a new approach based on the individual articles of the Convention should be used in the presentation of future reports.

39. Mr. ABOUL-NASR pointed out that religion and language were not among the factors of racial discrimination referred to in article 1, paragraph 1, of the Convention. Moreover, the General Assembly had requested the preparation of a convention on the elimination of religious intolerance, on which the Commission on Human Rights was working at the moment. The Committee should take into account the definition in article 1 of the Convention and not concern itself with religious minorities unless discrimination had racial connotations.

40. The current periodic report, for which the Committee should express its thanks to Pakistan, supplemented the earlier reports and showed that there was no racial discrimination in that country. However, he would like to have further information about the Ahmadis, who were referred to in the second paragraph on page 2 of the report, which mentioned the "declaration of Ahmadis as a minority". He found that expression rather puzzling; he wished to know whether there were unrecognized minorities in Pakistan and, if so, who was entitled to recognize them.

41. Mr. SATTAR (Pakistan) said he would try to reply to as many as possible of the questions put with regard to the fourth periodic report of Pakistan, and would transmit the others to his Government, which would endeavour to answer them satisfactorily. Generally speaking, the matters which aroused the Committee's concern would be taken into account when the next periodic report was prepared. In particular, several members of the Committee had asked for information on the measures taken by Pakistan under article 7 of the Convention; he would draw his Government's attention to the importance attached by the Committee to that point.

42. Referring to Mr. Sayegh's comments on the possible relationship between religion and racial or ethnic differentiation, he expressed the hope that the Committee's discussions of the subject would help to clarify it. He would be inclined to say that there was no connexion between religious minorities and racial or ethnic distinction in Pakistan, but the problem was perhaps not quite so simple. Pakistan had always been at the crossroads of successive migratory movements, which had produced types of people that were difficult to differentiate. People might have fairer skins in the north-west than in the south, but it was impossible to generalize. The provincial divisions - the Punjab, Sind, the North-West Frontier, Baluchistan - went back to the distant past and had therefore existed at the time of independence in 1947. There was no clear relationship between those administrative divisions and the different languages. As to racial distinctions, they were not well-defined, if indeed they existed at all, and they had no part in the traditions or history of the country.

43. The sentence at the beginning of page 2 stating that the minorities in Pakistan were "essentially" religious might be clearer if the word "essentially" were deleted. He could nevertheless assure Mr. Nettel that the minorities in Pakistan were religious in origin.

44. Mr. Dayal knew Pakistan well since he had served there for a number of years. In reply to one of the questions put by Mr. Dayal, he said that the situation of the Ahmadis had been a problem for the last hundred years, and had sometimes led to great difficulties and even violence. The Ahmadis regarded themselves as Muslims, but as Islam was the State religion in Pakistan, it had been thought preferable to define the term "Muslim" in the Constitution. After the disturbances of 1953 and 1973, the Pakistan Parliament had decided in 1974, after long discussion, to define a Muslim as a person who was firmly and absolutely convinced that Muhammad had been the last prophet. The Ahmadis did not hold that belief; they were officially classified as non-Muslim and thus enjoyed the advantages of the special provisions of the Constitution for minorities. They could be elected to the six parliamentary seats set aside for minorities - as well as to any of the 200 general seats in Parliament, of course - and to the nine seats in the provincial assemblies also reserved for minorities. In order to show that members of minorities could be elected to general seats, he would mention that women as well as minorities had seats reserved for them, and that a woman candidate had been elected to a general seat at the last elections. Seats were reserved for minorities and women because it was considered that, at the present stage of development of society, those groups were in need of special protection. He hoped that his answer also covered Mr. Valencia Rodriguez' question concerning representation on a religious and ethnic basis.

45. In reply to Mr. Blishchenko, he said that Pakistan had doubtless acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid referred to by Mr. Blishchenko, but he would verify the facts so as to be able to give a quite definite reply. His country was, in any case, duly applying the relevant General Assembly resolutions.

46. Mr. Bahnev had asked about the practical form taken by the efforts to combat inequality. It must be remembered that the most serious problem in Pakistan was poverty, which could be particularly serious for minorities simply because they were minorities. That was why Pakistan, apart from organizing various conferences and seminars on the subject of discrimination, had taken special measures to assist widows, orphans, the sick and other needy persons belonging to minorities, and had introduced special scholarship programmes, in addition to general programmes, to enable the children of poor parents from minority groups to obtain an education. Mr. Bahnev had also queried the expression "loyal minorities"; in point of fact neither the Constitution nor the laws defined what a "disloyal" minority was and the word "loyal" might well have been omitted from the report.

47. Mr. Partsch had asked on what basis six parliamentary seats were reserved for the minorities. At the time of the 1972 census, there had been 1.8 million non-Muslims in Pakistan, or 2.85 per cent of the population. That was nearly 3 per cent, and six seats represented exactly 3 per cent of the 200 seats in Parliament. He himself had also mentioned a non-Muslim percentage of 5 per cent: that was because in 1972 the Ahmadis had not been included. If they were now included, the proportion was about 5 per cent over-all. In the provincial assemblies 9 seats were reserved for the minority groups.

48. Mr. Dechézelles had spoken about the power of the landed gentry and the distinctions between professions in the Punjab. It was true, that 20 or 30 years ago, the big land-owners had dominated the provincial assembly of the Punjab, but with industrialization and the measures of land reform applied at the end of the 1950s and again in 1976, the situation had changed. Steps had been taken to reduce the estates to 100-200 acres, depending upon whether they were irrigated or not. It would be interesting to study the composition of the provincial assembly and the



Punjab's representation in the national Parliament; but he had no hesitation in affirming that the People's Party, which played a leading part in the Punjab, was not under the control of the big land-owners. As for inter-professional distinctions, they were age-old and had persisted during the colonial period; but they had now become much less important although they had not died out altogether. In any case, they had no bearing on individual rights. In reply to another question by Mr. Dechézelles, he said that there were two kinds of zone in the north-west: a settled district and the tribal territories. In the latter, the penal and civil codes were not applied and justice was administered by the tribes, but the benefits given to the settled district were made available to the territories also. That was a long-standing administrative arrangement and had thus existed when Pakistan became independent in 1947. It had been mainly due to the late arrival of the British - only at the end of the nineteenth century - in that part of Pakistan, which had put up a fierce resistance to them and had maintained its independence. The tribal territories were developing gradually with the consent of the peoples concerned. Mr. Dechézelles had also referred to the Urdu-speaking people who had settled in Pakistan after independence. The migrations that had taken place at that time had involved 15-20 million people, of whom a certain proportion spoke Urdu. In fact, Urdu, without being the mother tongue in any of the provinces of Pakistan, had acquired the status of a national language because it was very similar to the others and was therefore widely understood and played an important part in education. In the case of the people to whom Mr. Dechézelles had referred, knowledge of Urdu had on the whole been an asset.

49. In answer to Mr. Dayal, he said that a Pakistani who was a member of a minority group could not be elected President or become Prime Minister. It had to be remembered that Islam was the State religion in Pakistan and that 95 per cent of the population was Muslim.

50. In conclusion, replying to questions put by Mr. Nabavi and Mr. Sayegh, he said that religious differences in Pakistan had not led to ethnic distinctions, and it was difficult to identify religious groups on a racial basis. He again expressed the hope that the Committee would go more fully into the question of ethnic groups in order to discover whether they could truly be said to exist in Pakistan.

51. The CHAIRMAN said that the Committee greatly appreciated the information provided by the representative of Pakistan. It had taken note of his assurance that the questions left pending would be dealt with in the next periodic report. Mr. Sattar had noted the interest expressed in the measures taken by Pakistan to implement article 7 of the Convention. He asked Mr. Sattar to convey to the Government of Pakistan the Committee's appreciation of the spirit of co-operation it had displayed.

The meeting rose at 6.10 p.m.