



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2471st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 August 2016, at 10 a.m.

Chair: Ms. Crickley

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twenty-first to twenty-third periodic reports of Pakistan (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-first to twenty-third periodic reports of Pakistan (continued)
(CERD/C/PAK/21-23; CERD/C/PAK/Q/21-23)

1. *At the invitation of the Chairperson, the delegation of Pakistan took places at the Committee table.*
2. **Ms. Janjua** (Pakistan) said that the challenges Pakistan faced in its implementation of the Convention stemmed from three sources: an upsurge in extremism in the region, retrogressive mindsets and poverty. Extremists were a fringe group in Pakistan, and most people in the country found extremism to be repugnant and contrary to their values. The country was united in its resolve to eliminate extremism, as evidenced by the endorsement by all political and religious parties of the National Action Plan on counter-terrorism. The actions being taken to combat terrorism and extremism included intensive law enforcement operations to prevent terrorist attacks, and those operations had led to a reduction in the number of such attacks.
3. The Government was also taking comprehensive measures to change environments and mindsets that might lead to practices such as honour killings. The Government and civil society were actively responding to all three sets of challenges. The country's vibrant media and civil society engaged in a progressive, liberal discourse, and the shared vision was of a tolerant, inclusive and progressive Pakistan. The issue of honour killings had recently been taken up in a documentary film by a Pakistani filmmaker. The film had been screened at the home of the Prime Minister, who had publicly stated: "there is no honour in honour killing".
4. Responding to a comment about Muslims killing Muslims in Pakistan, she said that the fringe extremist element attacked schools, hospitals and places of worship indiscriminately, irrespective of the victims' religion or ethnic origin. There was no rift between Sunni and Shiite in Pakistan. While there might be some problems between the two groups, those problems had been exaggerated by the country's detractors.
5. Her delegation took note of the Committee's comments about the fact that Pakistan had not submitted a common core document. Her Government had thought that, since it had already given a general overview of the country's situation in previous reports, any repetition of that information would be superfluous. Nevertheless, it was working on a common core document to be submitted to other treaty bodies in the future.
6. Pakistan followed a common law system. Thus, as soon as an international convention was ratified, it automatically became applicable throughout the country. The rights set out in the Convention were therefore justiciable and could be invoked before the courts.
7. The value system espoused in Pakistan did not permit racial discrimination. Racial discrimination was, nevertheless, referred to in various laws, in an effort to ward against it. The issue of defining racial discrimination was addressed through the Constitution and the penal system. Pursuant to article 33 of the Constitution, the State was obligated to discourage parochial, racial, tribal sectarian and provincial prejudices among citizens. The Constitution also guaranteed equality before the law and the enjoyment of fundamental rights for all citizens without discrimination.
8. The term "minorities" as used in article 36 of the Constitution encompassed all minorities, including ethnic, linguistic and religious minorities. Citizens with a distinct language, script or culture had the right to preserve and promote the same and to establish appropriate institutions for that purpose. The Supreme Court had ruled that no objection

could be raised to the building of churches, and thousands of churches were operating in the country. National law established penalties for those who committed discriminatory acts or incited racial hatred or violence.

9. There were 100 television stations operating in the country, and they broadcast messages that were aimed at raising awareness of human rights. There were currently 36 million Internet users and 25 million Facebook users in the country, and those numbers were increasing. The annual growth rate with respect to Internet use stood at 9.5 per cent. Even economically disadvantaged persons who lacked a number of other amenities still had a mobile phone and could use it to access e-commerce and e-health services, for example.

10. Budget allocations had been earmarked to conduct a new census, but the Cabinet had not yet decided when the census would be conducted. Much planning was required to prepare for such a massive undertaking.

11. The Human Rights Commission of Pakistan had been established as a statutory body of parliament. Its members were elected by parliament, and it enjoyed autonomy in accordance with the Paris Principles. It also had the power to investigate ex officio any violations of human rights. Thus, it was a more powerful and effective body than its predecessor had been.

12. Madrasas existed as educational institutions not only in Pakistan but in many parts of the region and elsewhere in the world. In Pakistan, they taught a mixed curriculum of religious and non-religious subjects to children from economically disadvantaged families who were unable to find places in other parts of the education system.

13. In order to address the problem of the very small number of madrasas that might have contributed to radicalization, the National Action Plan on counter-terrorism included specific measures for the reform and registration of madrasas. A mapping exercise was under way to identify all the madrasas in the country, and thus far 250 unregistered madrasas had been shut down. The National Action Plan also included measures to monitor the funding received by madrasas and to conduct audits to ensure that contemporary subjects were taught as part of their curriculum. The National Action Plan identified human rights education as an important tool to combat extremism and terrorism. Thus, human rights education with a focus on tolerance and cultural diversity had been included in the curricula of most schools.

14. Pursuant to the eighteenth amendment to the Constitution, the provinces were responsible for establishing their own education systems. Thus, local conditions and situations were taken into account when developing school curricula. For example, in Sindh Province, which had a significant Hindu population, study of the Bhagavad Gita and other Hindu texts was included as part of religious studies.

15. Members of the Hazara community had unfortunately been the victims of a number of terrorist attacks. However, it should not be assumed that they had been attacked because they were Shiite, as indeed not all of them were. The attacks against them were based on extremist ideologies espoused by a very small group of fanatics. The Government had taken a number of steps to ensure the Hazara community's security. Since most of the attacks on members of the community had occurred during pilgrimages to Iran, her Government had signed a memorandum of understanding with the Government of that country to provide a ferry service for pilgrims via a safe sea route.

16. In recent years, the Government had striven to mainstream women's issues as a key planning strategy. It believed that promoting gender equality was instrumental to enhancing women's status. As Pakistan developed from a rural into a more urban society, women were becoming more educated. Indeed, the student population of some institutions of higher learning, such as medical colleges, was 70 per cent female. A whole series of

legislative measures to promote women's rights had been taken from 2008 to 2013, such as the establishment of harsh penalties for acid-throwing and sexual harassment in the workplace.

17. The National Commission on the Status of Women was a statutory body that had drafted new laws aimed at updating existing legislation. About 27 per cent of members of the National Assembly were women and the current target was 33 per cent. Action was also being taken to increase the number of women senators. Women parliamentarians raised women's issues in a rigorous manner. They had submitted a number of bills, some of which had been enacted. There was also a 10 per cent quota for women in government employment.

18. The Gender Crime Cell of the National Police Bureau analysed data on violence against women, particularly cases of rape, abduction, kidnapping and honour killings. It also addressed cases of sexual harassment in the workplace, in accordance with the Harassment at the Workplace Act 2010. The Criminal Law Amendment Act, 2004, defined honour killing as murder and prescribed a minimum penalty of 10 years. A bill had recently been submitted to the National Assembly to render such offences non-compoundable. The State would serve as a petitioner on behalf of the victim. The High Courts had imposed severe penalties in cases of violence against women and honour killings. For example, Farzana Iqbal's father and brother had been sentenced to death.

19. Significant progress had been made in recent years in increasing the enrolment and retention rates of girls and women in primary, intermediate and high schools in underprivileged areas. Action had also been taken to train more women teachers. Malala Yousafzai, who had been awarded the Nobel Peace Prize, was a symbol of advances in women's education. She came from a small district of Swat, which had briefly been taken over by the Taliban. The military had cleaned up the area in response to a public outcry. It was during that process that Malala Yousafzai had been shot by a Taliban gunman. Six girls from remote parts of Pakistan had recently climbed four of the highest mountain peaks in a few days and another girl, Samina Baig, had climbed Mount Everest. There were also many women doctors, engineers and lawyers.

20. Concrete measures had been taken to protect citizens against abuse of blasphemy laws. The preliminary inquiry in such cases was now conducted by a senior district police officer. Section 211 of the Penal Code stated that a person who intentionally instituted criminal proceedings based on false charges for any offence would be punished with 2 years' imprisonment and/or a fine. If the false charge was punishable with death, life imprisonment or imprisonment for 7 years or more, the penalty could be increased to 7 years. The Pakistan Ulema Council had condemned false allegations of blasphemy against Rimsha Masi in 2012 and the case had been dismissed by the Islamabad High Court. A number of moderate opponents of the blasphemy laws, such as Salman Taseer and Shahbaz Bhatti, had lost their lives to fringe elements in the fight against terrorism and extremism. Mumtaz Qadri, who had murdered Salman Taseer, had been executed on 29 February 2016. The death penalty was regarded as an important deterrent for such crimes.

21. The Sheedis were a small group who had arrived by sea from Africa several centuries previously. They lived in Balochistan and Sindh and had a rich cultural heritage, which was greatly admired. The annual festival of Sheedi Mela, which was one of the country's cultural highlights, had been suspended because of terrorist attacks and targeted killings by lawless individuals in Karachi. However, the situation had now improved and it was hoped that the Sheedi Mela would shortly be reintroduced.

22. Pakistan had not signed the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees because it had not been involved in the negotiating process when the Convention had been drafted. The instruments contained

certain parameters that developing countries found difficult to accept. Pakistan had hosted as many as 5 million Afghan refugees at an earlier stage. According to the current data, 1.5 million Afghan refugees were registered and 1.5 million were unregistered. They all had access to schools, universities, health care and other facilities, and there were no restrictions on the employment of Afghans. The demographics in some areas that hosted refugees affected the results of elections and changed the political scene, so that the locals advocated the return of the refugees to Afghanistan. Some were returning on the basis of a package agreed with the Office of the United Nations High Commissioner for Refugees (UNHCR).

23. Persons had been temporarily dislocated from Federally Administered Tribal Areas to settled areas because of law enforcement operations against extremists and terrorists. The Government continued to provide facilities for displaced persons, especially the most vulnerable. Schools, health-care facilities and nutritional sources had been established in the camps. The National Database and Registration Authority (NADRA) had registered births and issued identity cards. The Government had allocated budgetary funds for monthly cash assistance to the temporarily displaced persons.

24. Delays in the submission of reports to the Committee and in the implementation of its concluding observations had been due to a process of administrative and political transition in the country. She drew attention in that connection to paragraph 110 of the report.

25. With regard to the registration of gypsies and nomads, she assured the Committee that the Government was committed to registering all citizens. Since November 2015 NADRA had simplified the process of obtaining national identity cards and other documents by removing the conditions that had rendered registration difficult for gypsies and nomads. Local administrations were raising awareness of the new procedure and district management officials were reaching out to the communities, which were sometimes reluctant to register because they feared that their flexibility as nomads could be undermined.

26. References to caste were strongly discouraged in Pakistan, since that type of social stratification was incompatible with the precepts of most religions, including Islam. She drew attention in that connection to paragraph 35 of the report. When questioned about “scheduled castes”, NADRA had replied that people were never registered on that basis.

27. The Prevention of Electronic Crimes Bill addressed the issues of incitement to hatred, hate speech and discrimination on the Internet.

28. Although minorities constituted just 3 per cent of the population, the Government had fixed a 5 per cent quota for jobs for minorities in all federal services. Special notifications of such quotas had been issued since 2009. The Ministry of Human Rights had drafted Constitutional Amendment Bill 2016, which provided for an increase in seats reserved for minorities in the National Assembly, the provincial assemblies and the Senate.

29. She agreed that bonded labour should be abolished forthwith. Articles 3 and 11 of Constitution required the State to eliminate all forms of exploitation and forced labour. Articles 14, 15 and 37 also prohibited various forms of exploitation. Pakistan had ratified the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105). The Bonded Labour System (Abolition) Act had been adopted in 1992 and the Pakistan Penal Code and Code of Criminal Procedure also addressed the issue. The provincial Governments of Punjab and Sindh had adopted action plans to combat and eliminate all forms of bonded labour. The Government of Balochistan had allocated 40 million Pakistan rupees (PRs) for action to tackle child labour. With a view to improving the labour inspection regime, the Government of Khyber Pakhtunkhwa had established 66 new posts for inspectors,

including 5 women inspectors. Pakistan was also working with the ILO on child labour and bonded labour projects.

30. Discrimination against the Ahmadiya community was a highly sensitive issue. Members of the community occupied senior posts in the Government, the parliament and the civil service. As a legally recognized minority, they could participate in both general elections and elections for reserved seats. However, they were sometimes reluctant to participate in the elections for reserved seats because of the need to accept a status as members of a minority community.

31. Pakistan cooperated with the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation (OIC) to ensure that its work was consistent with the international obligations incurred by Pakistan as a State party to many human rights treaties.

32. **Mr. Khalaf** (Country Rapporteur), referring to the impressive cultural, linguistic and ethnic diversity of the State party, expressed concern at the current risk of loss of cohesion, in particular the Muslim cohesion on which Pakistan had been built. Another great fear was that the country was losing many of its children. He reiterated his concern about the existence of madrasas (religious schools), which were known to transmit medieval notions, glorify the jihad and incite hatred against other religious groups, thus planting the seeds of religious extremism. He had been surprised to hear the delegation justify their proliferation on the grounds that they were attractive to poorer segments of society. Was public education in the State party not free of charge and accessible to all children? If so, it seemed to make little sense to establish a parallel system whose ideology might call into question the values upheld by the State.

33. He asked whether the 700 million PRs allocated for the National Action Plan for the Promotion and Protection of Human Rights were a one-off payment to launch the Plan or its annual budget. He wished to learn more about the role the National Commission of Human Rights and civil society organizations played in the preparation and implementation of the National Action Plan. He also requested information about the way in which the 100 million rupee free legal aid package was administered. He asked why the National Commission of Human Rights was not competent to investigate allegations of human rights violations committed by members of intelligence agencies. He further wished to know which institutions were mandated to receive and process complaints of racial discrimination, and whether there was legislation providing for effective remedy for the victims.

34. He asked what had been done in respect of the situation of Bihari and Bengali people living in Pakistan, who had been denied Pakistani citizenship and, since the governments of Bangladesh and Myanmar also refused to recognize them, were de facto stateless.

The meeting was suspended at 11.35 a.m. and resumed at 11.45 a.m.

35. **Ms. Shepherd** said that the delegation had described the situation of the Sheedi people of Pakistan as one of a well-integrated ethnic group, whose culture, traditions, music and festivals were greatly appreciated by mainstream society. That image stood in stark contrast with information she had received from other reliable sources. If Pakistan had indeed managed to overcome centuries of colonial legacy of structural and institutional racism, she would welcome information about the participation of the Sheedi people in the social and political life of the country, including their representation in the labour market, government institutions and education.

36. **Mr. Murillo Martínez** concurred with the Chair's appreciation that racism was a universal problem; he took the delegation's claim to the absence of racism in the State party to refer to institutional racism. He commended the State party on the legislative measures

taken to ban racial, ethnic or religious discrimination from electronic media. With regard to the dissuasive measures taken against caste-based discrimination, he requested additional information about castes in Pakistan.

37. **Ms. Janjua** (Pakistan), responding to Mr. Khalaf's concern about a possible loss of cohesion, said that Pakistan was situated in a region where conflict had been a reality for nearly four decades, which had had a severe impact on her country. She gave an overview of the situation from the time of the Soviet invasion of Afghanistan to the current terrorism. The so-called free world had joined hands to counter the invasion, bringing fighters in from around the world. Back in the earlier days, Jihadists had been the heroes of the free world. After the terrible tragedy of the 11 September 2001 attacks, the free world had turned its guns on the region of which Pakistan was a part. Against its will, Pakistan had been placed at the forefront of the fight against terrorism, with an influx of fighters being expelled from Afghanistan. They had taken over her country's cities and towns, introducing terrorism and extremist ideologies that had previously been foreign to Pakistani society. The country had lost 65,000 people to the war on terrorism. Her people had made tremendous sacrifices and had lost many of their children in the fight for a brighter future and any Pakistani would be appalled at the suggestion that the country's cohesion was at risk.

38. In reply to earlier questions, she said that public education in Pakistan was accessible to all and free of charge. With regard to the situation of the Sheedi people, she said that Pakistanis were not unaware of racial differences, but did not let their actions be guided by them. The Sheedi people were respected for the diversity they brought to Pakistani society. Also known as "Baloch", they were represented in government institutions and sports, among others. Once the situation in Karachi had improved, opportunities for their participation would increase.

39. **Mr. Avtonomov** asked whether the Criminal Law Amendment Bill (2014) (Child Protection), the Domestic Violence (Prevention and Protection) Bill, 2013, and the National Commission on the Rights of Children Bill, 2014, set forth in the National Action Plan for the Promotion and Protection of Human Rights had been enacted and, if so, whether the situation of children from minority groups had improved as a result. He also wished to know what measures had been taken to ensure children's constitutional right to education in cases where they had not been registered at birth.

40. **Mr. Lindgren Alves** said that, in his experience, religious schools could be a breeding ground for extremism. He had seen many States struggle with controlling religious education establishments. If the State party wished to counter terrorism and extremism, it was important to ensure that Pakistan's children did not fall prey to extremist ideologies transmitted at school.

41. **Ms. Mohamed** requested clarification about the quota system for women's participation in public decision-making. She asked whether there was legislation stipulating such quotas, given that women were currently underrepresented. With regard to the 5 per cent quota for minorities, she asked whether there were women from minority groups in Parliament and the Senate. She also wished to know whether madrasas were attended by all communities.

42. **Ms. Saleem** (Pakistan) said that the National Commission of Human Rights was funded through the regular State budget. The 700 million rupees earmarked for the National Action Plan for the Promotion and Protection of Human Rights were an annual allocation. The National Commission of Human Rights worked in liaison with the Ministry of Law, Justice and Human Rights. It had a broad mandate concerning the rights of ethnic, religious or linguistic minorities, and was competent to address issues linked to discrimination. It was also responsible for overseeing the implementation of the National Action Plan. The legal aid fund had been created to enhance vulnerable groups' access to justice.

43. The Criminal Law Amendment Bill (2014) (Child Protection) had been adopted and the National Commission on the Rights of Children Bill, 2014, had been laid before Parliament and was expected to be adopted shortly.

44. **Ms. Janjua** (Pakistan) said that the extent to which madrasas contributed to radicalization depended on the content of the teaching programme. The Government of Pakistan shared the Committee's concern and therefore kept a close watch on the curricula to ensure they contained elements of secular education. The Government was also exploring options for harnessing the regulatory framework to prevent a surge in fundamentalism. Primary and secondary education were free of charge and all provinces conducted registrations of children to facilitate enrolment.

45. The regulations governing the Election Commission of Pakistan stipulated a 33 per cent quota for women members of Parliament. The 10 per cent quota for women's representation in government was additional to the posts filled by open competition. Not all women in government had entered through the quota system, as many had been selected through the open competition process. The 5 per cent quota for parliamentarians from minority groups was higher than their overall percentage of the population, which stood at 3 per cent. Four women members of Parliament were from ethnic minorities. Madrasas were open to children from all confessions, but she was unsure about the representation of minorities.

46. **Mr. Calí Tzay**, endorsing other members' view that there was no country free of racism, requested clarification regarding the situation of the Ahmadiya community in Pakistan. Members of that community were reportedly punished for professing their Muslim faith and forced to renounce their faith if they wanted to exercise the right to vote or obtain a passport. He invited the delegation to comment.

47. **Mr. Yeung Sik Yuen** asked for information on allegations published online to the effect that Chief Justice Abdul Hameed Dogar had killed his daughter. Media coverage in that regard seemed to have been severely restricted by the national authorities.

48. **Ms. Li Yandan** said that the delegation was to be congratulated on its open, candid and sincere approach to the dialogue with the Committee. As a modern, democratic, Muslim country, Pakistan was clearly determined to improve the national human rights situation and combat terrorism and extremism; it had shown great generosity by agreeing to host large numbers of refugees from Afghanistan and continued to make a significant contribution to efforts to maintain stability at the regional and international levels.

49. **Mr. Amir** said that, unfortunately, during their time in power in Afghanistan, the Taliban had used madrasas to promote interreligious hatred and terrorism, rather than to provide instruction in the Muslim faith.

50. **Mr. Marugán** said that he would be grateful if the delegation would provide data on economic immigrants and emigrants and remittances to Pakistan and information on the role played by NGOs in the preparation of the State party's periodic report.

51. **The Chair**, speaking as a member of the Committee, asked whether national legislation on family matters covered all minority groups and whether there were any specific laws or regulations in place governing interreligious marriages.

52. **Ms. Janjua** (Pakistan) said that, like all other Pakistani citizens, members of the Ahmadiya community could vote and stand as candidates in general elections. Previously, members of minority groups had voted in separate elections; however, that system had been abolished. Voters were required to produce their identity cards prior to voting but were not asked to state their religion. Members of minority groups wishing to stand for election to public office could do so once they had declared their minority status. She said that she was

not aware of any cases of discrimination relating to the issuing of passports and identity cards.

53. The case relating to the death of the daughter of Chief Justice Abdul Hameed Dogar was an extremely sensitive matter and she was not privy to any relevant information. However, enquires would be made in that regard. The Pakistani media took an extremely proactive approach to investigating such matters.

54. A number of madrasas in Pakistan had been closed by the authorities as a result of their activities. However, not all such institutions promoted fanaticism. Commentators were quite prepared to blithely and inaccurately tar Islam with the brush of terrorism but shied away from denigrating other faiths in the same way.

55. Efforts were continuing to confirm data relating to migrants and remittances contained in a World Bank report brought to the attention of the Committee by a number of NGOs. There were small migrant communities from other parts of Asia present in Karachi. A number of NGOs had been consulted at different points in time when preparing the periodic report.

56. All religious and ethnic groups had the right to have their own family laws. The Hindu Marriage Bill had been adopted in Sindh Province and discussions were currently being held with regard to similar legislation relating to the Christian community.

57. **Mr. Khalaf** said that he wholeheartedly concurred with Ms. Janjua's analysis of the root causes of the issues and challenges currently facing Pakistan, in particular, terrorism and radicalism. He had never believed that Pakistan was responsible for terrorist activities. The Committee had a duty to identify and highlight vulnerable groups that required protection. It was religious, rather than national, unity that was under threat in Pakistan. The State could not be held responsible for the situation within madrasas in Pakistan, the use of hate speech at public political meetings and the lynchings and riots that had taken place as part of protests against efforts to reform the blasphemy laws. Rather, those phenomena were indicators of rising radicalism. Pakistan was a country founded on the principles of tolerance and the acceptance of others.

58. **Mr. Michael** (Pakistan) said that he had greatly appreciated the open and constructive dialogue with the Committee and its members' questions and observations. The promotion and protection of the rights of all citizens were essential to the establishment of a democratic, peaceful and progressive Pakistan and were priorities for the Government. Efforts in that regard would continue, along with work to implement the provisions of the Convention. He said that he hoped that the Committee's concluding observations would take into account the specific context in Pakistan.

59. **The Chair** said that she had been impressed by the high level of the delegation, the work carried out by national staff in Islamabad and the way in which Ms. Janjua had participated in the interactive dialogue with the Committee. Pakistani NGOs and civil society could perhaps be consulted in the preparation of periodic reports and the follow-up to and publication of the Committee's concluding observations. She said that she looked forward to the Committee's next meeting with a delegation of Pakistan, at which it was to be hoped that representatives of a fully independent national human rights institution, with "A" status, as awarded by the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, would be present.

The meeting rose at 1 p.m.