



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

Ninety-eighth session

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Item 4 of the provisional agenda

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

**Concluding observations on the combined twenty-first to
twenty-third periodic reports of Pakistan**

Addendum

**Information received from Pakistan on follow-up to the
concluding observations***

[Date received: 6 November 2018]

* The present document is being issued without formal editing.



Response to Concluding Observations of CERD

Question No. 1: (Para–14)

1. The state party take the measures necessary to strengthen the independence and effectiveness of Human Rights Commission of Pakistan in compliance with the principles relating to the status of national institutions for the promotion and protection of Human Rights (The Paris Principles), including through allocating sufficient resources to the commission and strengthening its powers and jurisdiction to investigate all cases of Human Rights Violations, including racial discrimination, committed by any public officials. The committee encourages the state party to seek accreditation at A-status of the Human Rights Commission of Pakistan from the Global Alliance of National Human Rights Institutions.

2. The Government of Pakistan has demonstrated its commitment to the Paris Principles by establishing National Commission for Human Rights (NCHR Act No. XVI of 2012). The Government stands committed to ensure its support to the Commission in carrying out its functions independently.

3. The Parliament has empowered the Commission to regulate its own procedures under its own statute. The Parliament has also vested certain powers of civil court to the Commission. Every proceeding of the Commission is deemed judicial within meaning of Pakistan Penal Code. It has a broad mandate and power to take suo-moto actions for protection of human rights in Pakistan.

4. Apart from statutory powers, the Government of Pakistan has been allocating sufficient financial resources to the Commission. Section 24 of the NCHR, Act relates to “Expenditure to be charged on the Fund” and Section 27 to the “Financial freedom of the Commission”. Section 23 of the NCHR, Act provides for establishment of the NCHR Fund to meet expenditure inter-alia paying any expenditure lawfully incurred by the Commission for remuneration of its members, employees, advisors and consultants etc.

5. The said Fund was created on 1st October, 2015 and since then, in addition to regular budgetary allocations, supplementary grants have been made to ensure smooth functioning of the Commission. An amount of Rs. 105 million has been allocated to the Commission for Financial Year 2017–18 (which is 61% of the total budget of the Ministry of Human Rights). Detail of allocations for NCHR is as under:

<i>Year</i>	<i>Budget Allocations</i>	<i>Supplementary Grants</i>	<i>Total Allocation</i>
2014–15	4 957 000	Nil	4 957 000
2015–16	5 000 000	100 088 000	105 088 000
2016–17	41 000 000	82 055 000	123 005 000
2017–18	41 000 000	64 000 000	105 000 000

6. With sufficient statutory and financial autonomy, the Commission is in the process of finalizing its mandatory regulations which are required under constitutional framework whenever any organization is granted public money. Under the Section 33 of NCHR Act, the Commission has to frame its own procedures and Rules i.e. Financial and Recruitment Regulations.

7. The Commission is in process of finalizing its Financial Rules for financial disbursements. These Rules are required to follow Financial Audit parameters set forth by the Accountant General Pakistan Revenues (AGPR) for audit and accounting of public money. NCHR is also in process to frame its “Rules of Recruitment” required to employ regular work force.

8. Once these Rules are finalized, the Commission's capabilities to exercise its mandate for the preservation and promotion of human rights in the country would be enhanced.

Question No. 2: (Para-18)

9. **What actions has been taken to monitor school curricula and textbooks at all levels, including those of Madrasas, to ensure that they promote understanding, tolerance and friendship among different ethnic and religious groups?**

10. Government of Pakistan is firmly committed to eliminate elements of discrimination and to promote a culture of tolerance, peace, understanding and harmony among various ethnic and religious communities of the society. The Constitution of Pakistan denounces discrimination and provides safeguards to every citizen of the country against it. The Government has taken broad range of steps to promote tolerance and inter-faith harmony in the society, which inter alia includes revision of curricula at all levels of education, including Madrasas.

11. At the level of Federal Government, Ministry of Federal Education & Professional Training is working for inclusion of human rights and civic education in the curriculum of primary and secondary & higher secondary school level with particular focus on respect and promotion of interfaith dialogue and harmony. Capital Curriculum & Text Book Wing, Capital Administration and Development Division (CADD) has revised the Curricula at various levels in 2006 and has included a number of direct and indirect references to human rights and peace education promoting interfaith harmony and tolerance.

12. National Curriculum Council is also in process of including human rights and peace education in national curricula. Topics on human rights have already been covered in many disciplines i.e. Law, Islamic Studies, Social Work, Criminology and Sociology. While, in some undergraduate programmes an independent course of human rights is also offered as general, foundation or elective subjects.

13. Ministry of Human Rights (MOHR) has initiated a process to develop training manuals on human rights for inclusion in the curriculum of professional capacity building institutions as well.

14. In Khyber Pakhtunkhwa (KPK), existing textbooks have been developed keeping in view the standard of text book regarding compliance with culture and values. The content (Text illustrations) is inclusive and is free from religious, sectarian, ethnic, regional, cultural, occupational and socio-economic biases. The content is also free from gender bias and promotes positive images of girls and women. Text promotes harmony and peaceful co-existence through respect of diversity and tolerance. Content reflects democratic values, ethics and values of all segments of society and other societies.

15. Punjab school Education Department has introduced a supplementary study material that has been published and disseminated to students titled "اؤملکر پرهیں" (Lets study together) to eliminate elements of discrimination for religious minorities. Curriculum has also been revised to make it more supportive of inter-faith and social harmony.

16. Sindh Assembly passed a resolution regarding inclusion of Religious text books of Hindus in curriculum of Hindu minorities. The Sindh School Education Standards and Curriculum Act 2014 has been passed. This law enables all children to have a command of relevant knowledge, skills and human rights values necessary to reach their full potential.

17. In Balochistan, separate course of ethics is being offered to non-Muslim students instead of Islamic studies. It is also being ensured that no material related to hate speech is a part of the daily lessons.

(a) Action Plan to achieve the objectives of Interfaith Harmony Policy

18. The Action Plan to achieve Interfaith Harmony aims to ensure introduction of Curriculum/Syllabus in Schools, Colleges and Universities, and at the level of

FPSC/National Training Institutes to encourage tolerance and understanding between different religious groups.

The curriculum of Madrasas

19. After detailed consultative process, all Madrasa boards have agreed to include modern/contemporary subjects in curriculum in addition to religious education. The Government is taking every possible step to mainstream the Madrasas through reform programs.

(b) Madrasas Reforms

20. Through the introduction of the National Education Assessment System (NEAS) in 2005, it has become possible to assess quality of educational outcomes at school level on a scientific and quantitative basis. “Minimum National Education Standards” lays down standards/criteria for teachers, curriculum, textbooks, assessment and the school environment. Curriculum is being reviewed in the provinces with the aim of spreading social and interfaith harmony. National Curriculum Council is reviewing the Curriculum to update it and include cross cutting themes such as tolerance, human rights, civic education and democracy etc.

21. In December 2014, a National Action Plan to Combat terrorism was devised which included among other steps, countering hate speech and extremist material, taking effective steps against religious persecution, registration and regulation of madrasahs, ban on glorification of terrorism and terrorist organizations through print and electronic media.

22. There are over 22,000 religious seminaries in the country, to register and monitor the activities of the Madrasas and to segregate Madaris data, elaborate registration forms have been developed by NACTA in consultation with concerned stakeholders. ICT, Punjab and Sindh have completed 100% geo-mapping on agreed parameters. Mapping exercises are ongoing in Khyber Pakhtunkhwa (95%) and Balochistan (80%). NACTA together with Provincial Home and Education Departments is exploring the possibility of registration of Madaris under a single authority. Provincial Governments are also ensuring complete collection of data on priority basis.

23. In October 2017 the federal government, Wafaqul Madaris and Ittehad Tanzeemat-e-Madaris had agreed on the new curriculum for religious seminaries. It was decided that after thorough deliberations and consultation, the federal government will announce the policy to enable students of seminaries to be absorbed in the mainstream educational system which will enable them to join any profession of their choice like other students in the country.

24. In this regard, another meeting was convened by National Security Adviser Lt-Gen (retired) Nasser Khan Janjua, on 15th January, 2018 which was attended by Minister for Religious Affairs, members of the Ittehad Tanzeemat-e-Madaris Pakistan and senior officials of Higher Education Departments. Matters regarding curriculum, strategy and procedures involved in the process of mainstreaming, proposed system of examination and upgradation of Madrasas were discussed in detail. It was decided that thorough deliberations and consultations, the Federal Government will announce the policy to enable students of seminaries to be absorbed in the mainstream educational system.

25. As per established practice, the concluding observations/recommendation on ICERD have been shared with all relevant departments of the federal, provincial, AJ&K and GB governments. Treaty implementation cells – set up at federal, provincial and district level are also active in disseminating recommendations of UN treaty bodies.

Question No. 3: (Para–28)

26. The committee recommends that the State Party take all measures necessary to implement the Act and urges to publicize the information on the Act and provide the remedies to affected communities. It also recommends that the State Party intensify

labour inspections into work places where there is high risk of forces and bonded labour, particularly in the informal economy.

27. Government of Pakistan is fully cognizant of its responsibilities and is committed to curtail and eliminate bonded labor and is taking all possible steps for the rehabilitation and welfare of victims of bonded labour and child labour.

Constitutional provisions

- The Constitution of Pakistan, Article 11(2) prohibits all forms of forced labour. Similarly, Article 11(3) & 37(e) prohibits employment of children below 14 years in factories, mines or other hazardous occupations. With the addition of Article 25A in the Constitution in 2010 which obligates the State to provide free and compulsory education to all children of the age of 5 to 16 years, the minimum age for admission to full time employment is implied at 16 years.

Legal provisions at Federal level

- The Bonded Labour System (Abolition) Act 1992 was promulgated to provide for abolition of bonded labour system with a view to preventing the economic and physical violation of the labour class in the country. According to the provisions of this Act, any one, who compels any person to render any bonded labour is punishable with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than 50,000 rupees or with both.
- The labor laws like Factories Act, Mines Act, Shops and Establishment Ordinance etc. prohibit the employment of children in different hazardous situations. The Employment of Children Act 1991 exclusively deals with child labor. The Act prescribes occupations and processes wherein employment of children is prohibited.

Other Measures (Federal Level)

- At the Federal level, Ministry of Overseas Pakistanis & Human Resource Development has been established to tackle the issue of child labour. The Ministry has established a “Child Labor Cell” for the purpose of coordinating efforts on elimination of child labor and for devising a consensus based national action plan with technical assistance of the ILO Country Office. For addressing weaknesses in the implementation system, a process has been initiated to bring about reforms in the existing labor inspection system of the country. All concerned tripartite stakeholders, including federal and provincial governments, workers and employers representative organizations, development partners and ILO are part of these reforms.
- Pakistan Bait-ul-Mal has established 159 Centers for Rehabilitation of Child Laborers. In these Centers, children withdrawn from workplaces are given free education and stipend, etc. More than 15,000 students (ex-child workers) are enrolled in these Centers and more than 5000 students have already been rehabilitated. Among the passing children, more than 4500 have been admitted to government schools for higher education.
- Benazir Income Support Program (BISP) is being implemented in all four provinces including FATA, AJK and Islamabad Capital Territory for direct and speedy relief to the underprivileged sections of the society.
- A majority of bonded labourers have been released through police and judicial interventions in the light of the Bonded Labour System Abolition Act 1992.
- The Government has introduced a plan under Vision 2025 which envisages increasing primary school enrollment and completion rate to 100%. This will indirectly discourage the bonded labour.
- Suitable provisions for prohibiting the employment of children have been made in the constitution of Islamic Republic of Pakistan; the Factories Act, 1934, the WP Shops & Establishments Ordinance, 1969 and the Mines Act, 1923.

Steps taken by Provincial Governments

28. The subject of Labour/Bonded Labour has been devolved to provinces after 18th Constitutional Amendments. Various measures undertaken by the Provincial Governments are as under:

Government of Punjab

29. After the 18th Constitutional Amendment, the “Bonded Labour System (Abolition) Act, 1992” was adopted by the Punjab province. The act abolished bonded labour which includes forced or partly forced labour. Under the Act Districts Vigilance Committee (DVCs) have been set up at the district level with the primary focus to ensure implementation of law and to provide the bonded labours such assistance as may be necessary to achieve the objectives of the law.

30. The DVCs are supervised and headed by the Deputy Commissioners in their respective district. Therefore, any specific complaint of bonded labour etc may be brought before the DVC to resolve the issue. The DVC together with Government and non-government organizations (NGOs) can undertake measures under the law for the freedom and rehabilitation of bonded labour. Based on information collected from the field formation of the department, 169 meetings of DVCs were held during the period from July, 2015 to June 2016 and 152 meeting of DVCs were held during the year July 2016 to June, 2017 all districts of Punjab. However, during the above referred DVCs meeting, no case of bonded labour was reported. The provisions of penalties have also been envisaged in the Act as a deterrent these are described as under.

<i>Section</i>	<i>Description</i>	<i>Penalties</i>
11	Punishment for enforcement of bonded labour.	Punishable with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both.
12	Punishment for extracting bonded labour under the bonded labour system.	Punishable with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than three hundred and fifty thousand rupees, or with both.
13	Punishment for omission or failure to restore possession of property to bonded labour.	Punishable with imprisonment for a term which may extend to five years or with fine which may extend to one thousand rupees, or with both.
14	Abetment to be an offence.	Punishable with the same punishment as is provided for the offence which has been abetted.

31. The Labour Department, Government of Punjab has also enacted the Punjab Restriction of Employment of Children Act, 2015. A survey to unearth out of school-children residing with their families on brick kilns has been conducted in all 36 districts of Punjab. Now a committee has been constituted to get all the identified children enrolled in nearby schools. This is an earnest effort to do away with the misconception that such children who are bound to reside with their families on brick kilns are allegedly engaged in child labour.

32. The Government of Punjab has also introduced Annual Development Plan (ADP) Schemes with strong resolve to eliminate child labour. These include: (a) Elimination of Bonded Labor in Brick Kilns with Rs. 196.987 Million. (b) Combating Child Labor from Worst Forms with Rs. 180.832 Million and (c) Integrated Project for Decent Work to Vulnerable Workers with Rs. 5159.629 Million.

33. The Government of Punjab has also taken proactive steps to ensure implementation of the Punjab Prohibiting of Child Labour at Brick Kilns Ordinance, 2016. The committees constituted for this purpose have started taking action.

34. The Punjab Chief Minister constituted a high level Steering Committee under his chairmanship for eliminating child labour at brick kilns. The committees inspect 12 brick kilns in a week and have the authority to take action against child labour.

35. The Labour & Human Resource Department has set up 0800-55444 helpline for lodging complaints about child labour at brick kilns. Free education, books, notebooks, uniform and transport, monthly stipend of one thousand rupees to each child whereas two thousand rupees will be given to the parents on the admission of children in schools. Seminars are also being arranged in all districts for creating awareness regarding elimination of child labour and informing owners and labourers of brick kilns about the ordinance prohibiting bonded labour. Moreover, District Vigilance Committees identify/rescue children working in slavery-like conditions in bonded labour.

36. In addition to the above mentioned legal framework and administrative arrangements, the Department has also introduced some projects under ADP Schemes to show strong commitment and resolve against bonded labour to address the root causes that perpetuate forced labour. Under the scheme the workers have been facilitated as follows:

- Facilitation in acquiring of CNICs for adults and Birth Registration of children;
- Legal aid services unit have been established and Toll Free number 0800-88889 has been activated for the complaints and free legal aid services to the brick kiln workers;
- Establishment of non-formal education centers;
- Establishment of NFBE Schools;
- Adult Literacy centers made operational;
- Promotion of health and hygiene services among the brick kiln workers;
- 97013 children enrolled and disbursement of incentives through Khidmat cards has been made and an amount of Rs. 673.600 Million has been disbursed.

37. It is relevant to mention that, certain amendments have been proposed in Bonded Labour System (Abolition) Act, 1992 by the Labour Department, Government of Punjab in order to make it more effective and more complaints to the ILO conventions and to excrete the practical difficulties in its enforcement. The proposed amendments have been approved in principle by the Cabinet Committee constituted for this purpose. Now said amendments are likely to be tabled before Provincial Cabinet for approval.

38. The field formation of the Labour Department has been issued stern instructions to conduct inspections of Brick kiln to ensure compliance of the applicable laws including the Minimum Wages Ordinance, 1961. Accordingly prosecutions were lodged against the defaulters. In this respect the progress is as under.

<i>Year</i>	<i>Inspections</i>	<i>Prosecutions</i>	<i>Fine Imposed</i>
2016	8 192	10 875	2 32 300/-
2017 (up till July)	3 072	5 025	9 22 000/-

Legal Aid Service Unit (LASU)

39. Legal Aid Service Unit has been established at Industrial Relations Institute (IRI) Lahore for the legal assistance to those workers who are entangled in male/female bonded labour situation. The basic purpose of LASU is, to give free legal and moral assistance to male/female bonded labourers. LASU is paying full attention to complete the commitment of the Government of Punjab to eliminate the bonded labour.

40. LASU is being established under Bonded Labour Fund Government of Pakistan. As the male/female bonded labourer approaches to LASU for the assistance or other problem through, Toll Free Help Line No. 0800-33888 or an application, Law Officer of LASU reaches at the spot along with the concerned DOL (District Officer Labour) and record the statement of the complainant and helps the workers morally as well as legally. LASU plays

its role for the eradication of male/female bonded labour at district as well as provincial level.

Project on Elimination Of Bonded Labour In Brick Kilns (EBLIK)

41. The Labour Department, Government of Punjab through its Annual Development Programme has launched a project for the elimination of bonded labour in brick kilns in Lahore and Kasur districts. This project has established a fund of Rs. 40 million to provide interest free small loans to the workers in brick kilns. So far approximately 32 million rupees have been disbursed to 702 workers.

Government of Khyber Pakhtunkhwa (KPK)

42. Government of Khyber Pakhtunkhwa is leading the efforts for elimination of bonded labour and child labour and due to extensive awareness raising drive, various organizations are working for the cause. Child & Bonded Labour Cell has been established in the Directorate of Labour/Labour **Department** KPK to oversee the activities carried out on the issue of child labour and to coordinate with other stakeholders. Besides, the Employment of Children Act, 1991 is being implemented and in case of any violation, the defaulters are prosecuted in the court of law.

43. A legal Aid Service Unit (LASU) has been established in the Child & Bonded Labour Cell to provide legal assistance to the workers subjected to bonded labour under the veil of debt.

44. The Government of Khyber Pakhtunkhwa has enacted Khyber Pakhtunkhwa Prohibition of Employment Children Act, 2015. It completely bans engagement of children below the age of 14 years in labour and **provides** strict penalties for violators. In the administrative sphere, a Child Labour Unit has been established in the Directorate of Labour/Labour Department KPK employing, beside other staff, dedicated fleet of inspectors on child labour.

45. The Khyber Pakhtunkhwa Government has enacted the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 to provide for the care, protection, welfare, training, education, rehabilitation and reintegration of children at risk, including victims of bonded labour.

Government of -Sindh

46. In order to eliminate Bonded Labour, Child Labour and to ensure the labourers their due rights as per Constitution, the Directorate of Labour, Sindh performs the following functions:

- Registration of Trade Unions and other allied matters;
- Determination of collective Bargaining Agents and holding of Referendums;
- Settlement of Industrial Disputes;
- Enforcement of Labour Laws relating to Factories, Shops, Commercial and Industrial Establishments.

The Sindh Minimum Wages Board

47. The Government of Sindh has enacted the Sindh Prohibition of Employment of Children Act, 2017 which provides that no child shall be employed or permitted to work in any establishment and no adolescent shall be employed or permitted to work in any hazardous work included in the Schedule.

48. The Sindh Child Protection Authority has been established under the Sindh Child Protection Authority Act, 2011. Twelve child protection units have been established under the Act to protect the vulnerable children including bonded labour.

49. The Sindh Minimum Wages Board was established in 1974, in terms of Minimum Wages Ordinance, 1961. It performs the following functions:

- To fix the minimum wage rates of workers of Industrial units/commercial establishments;
- To provide effective participation of Employers, Workers and the Government in fixing the Minimum Wage standard of workers.

Labour Courts

- Judicial Forum have been established under the Industrial Relations Ordinance, 2002.
- Eight Labour Courts, presided by Senior District & Sessions Judges, five courts in Karachi and one each at Hyderabad, Sukkur and Larkana have been established under this Ordinance.

Government of Balochistan

50. The Government of Balochistan has allocated Rs. 40 million out of Balochistan Public Sector Development Programme to address the issues of child and bonded labour. Government of Baluchistan is putting efforts to follow the footsteps of Punjab Government's Integrated Project in tackling child and bonded labour with the support of the ILO through collaborative efforts to deal with this challenge. The Balochistan Assembly has passed Balochistan Child Protection Act, 2016; which is being implemented to ensure that rights of children are protected and upheld.
