



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Second periodic report submitted by Pakistan
under article 40 of the Covenant, due in 2020***

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Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CLCC	Cabinet Committee for Disposal of Legislative Cases
Constitution	Constitution of the Islamic Republic of Pakistan, 1973
ECP	Election Commission of Pakistan
FIA	Federal Investigation Agency
GoP	Government of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
KP	Khyber Pakhtunkhwa
LJCP	Law and Justice Commission of Pakistan
MoHR	Ministry of Human Rights
NAP	National Action Plan
NCHR	National Commission for Human Rights
NCSW	National Commission on the Status of Women
NCRC	National Commission on the Rights of Child
PCSW	Punjab Commission on the Status of Women
SCSW	Sindh Commission on the Status of Women
KPCSW	KP Commission on the Status of Women
BCSW	Balochistan Commission on the Status of Women
PECA	Prevention of Electronic Crimes Act, 2016
PEMRA	Pakistan Electronic Media Regulatory Authority
SJA	Sindh Judicial Academy
GBV	Gender-based Violence
ASI	Assistant Sub-Inspector
SP	Superintendent of Police
SHO	Station House Officer
IO	Inspecting Officer

Introduction

1. Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) on 23rd June 2010. In accordance with Article 40 of the Covenant, the Government of Pakistan is pleased to present its 2nd Periodic Report on the ICCPR before the Human Rights Committee while focuses on the relevant areas of concerns and recommendations of the Committee given during the first review done in 2017. It is pertinent to highlight that since presenting its last report, Pakistan has taken additional legislative, policy and administrative measures to fulfil its international obligations, in line with the Government of Pakistan's priority on upholding rights of its citizens including minorities and other vulnerable segments of the society.

2. Significant progress has been made by enactment of legislations pertaining to rights of women, child and other vulnerable segments of the society, as well as strengthening of law enforcement bodies, national human rights institutions and increased collaboration with members of civil society. Furthermore, following the 18th Amendment of the Constitution of Pakistan, 1973, the provinces have also enacted legislations in addition to taking administrative and financial measures to meet the objectives as envisaged in the Covenant.

3. The 18th Constitutional Amendment transferred the Federal Government's essential legislative, operational, and budgetary powers to the provinces, particularly in the social sector. The spirit of the 18th Amendment was the devolution of power from the Federal to the Provinces and the establishment of empowered and responsive Local Governments. A comprehensive constitutional overhaul resulted in the devolution of 47 subjects and 18 Federal Ministries to the Provinces. Most notably, the Amendment repealed the Concurrent Legislative List in favor of the Federal Legislative List, which distinguished between Federal and Provincial constitutional purviews.

4. A renewed focus has also been placed on raising awareness about human rights including all forms of violence such as incidents of gender-based violence, child abuse, etc. The Federal Government in collaboration with Provincial Governments is continuously working towards eradicating such vices and establishing various mechanisms of monitoring, support and rehabilitation for victims of torture or other forms of violence. Lastly, it is important to mention that Pakistan places the utmost regard towards upholding the fundamental rights of its citizens, as enshrined in its Constitution. It, therefore, goes without saying that Pakistan's law and the Government of Pakistan's focus has always been aligned with applicable United Nations Conventions including ICCPR.

Applicability of the Covenant

Recommendation contained in paragraph 6

The State party should take all measures necessary to ensure that the Covenant rights are given full effect in its domestic legal order and to ensure that these rights are applied by the domestic courts at all levels, including through enhancing training for judges, prosecutors, lawyers and public officials in relation to the Covenant.

(a) Measures which ensure ICCPR is given full effect – Constitutional provisions which can be invoked through SC/HC jurisdiction

5. The State of Pakistan is fully cognizant of its international commitments and obligations, especially concerning core international Human Rights Conventions, including the International Covenant on Civil and Political Rights (ICCPR). The Constitution of the Islamic Republic of Pakistan, 1973 provides for the fundamental human rights guarantees to all citizens of Pakistan. These include, among other things, the right to life, liberty, dignity, fair trial, equality, and education, freedom of speech, religion, expression, movement, and assembly. The Government of Pakistan is continuously striving towards translating these principles and guarantees enshrined in the Constitution into legislation, coupled with establishment of robust institutional mechanisms, for the protection and promotion of human rights of its citizens.

6. The writ jurisdiction of the superior courts ensures the protection and promotion of fundamental rights and freedoms, guaranteed under the Constitution. Articles 184(3) and 199 of the Constitution of Pakistan stipulate that any person aggrieved of violation of their basic rights may invoke the jurisdiction of the Provincial High Courts or the Supreme Court of Pakistan. In addition, a Human Rights Cell is also working under the Supreme Court. The Human Rights Cell provides expeditious and inexpensive remedy in matters relating to infringements of fundamental rights enshrined in Chapter II of the Constitution of Pakistan. The Cell functions under the direct supervision of the Hon'ble Chief Justice of Pakistan. It is mandated to expeditiously process the complaints and grievances received from the general public by post addressed to the Hon'ble Chief Justice of Pakistan. The Human Rights Cell has played a pivotal role in eliminating harmful practices like child and forced marriages, *vani*, and *swara*.¹ Similar mechanisms are also available in the Provincial High Courts.

7. National Human Rights Institutions (NHRIs), including the National Commission for Human Rights (NCHR), National Commission on the Status of Women (NCSW), National Commission on the Rights of Child (NCRC) and National Commission on Minorities, ensure the implementation of the Covenant by taking appropriate action to prevent violations of human rights; reviewing and analyzing the laws and policies, formulating recommendations through dialogue and research; and promoting religious tolerance and harmony in the country, respectively.

8. Law and Justice Commission of Pakistan (LJCP), through its campaign on fundamental rights, highlighted five basic composite rights i.e. Right to Life, Right to Justice, Right to Equality, Right to Development and Right to Good Governance to highlight that these are inviolable rights of each citizen. LJCP is actively playing its role in "Promotion of social justice and eradication of social evils" through legal empowerment. The LJCP Secretariat launched a nationwide awareness campaign in 2019 aimed at empowering the masses to gain full access to the means of development to work together towards achieving equality and justice. The LJCP is implementing a Public Awareness Scheme titled "Qanoon Fehmi" to create awareness among the general public on various laws and legal issues through publication in newspapers, magazines, law journals, digests etc.

(b) Case Laws which apply the Covenant

9. The Judiciary has demonstrated sensitivity to issues of human rights and given ground-breaking judgments, further entrenching the Constitution's human rights guarantees into Pakistan's polity. The rights enshrined in the Constitution have been widely interpreted by the Courts of Pakistan and the superior judiciary routinely refers to international instruments in relation to our domestic human rights framework. In fact, even instruments that have not been ratified by Pakistan are referred to on the basis of customary law. Article 184(3) which deals with the enforcement of fundamental rights of individuals by the Supreme Court has been given a very expansive definition and the judiciary has been exceptionally active in recent years in enforcing fundamental rights. The higher judiciary usually applies international conventions in cases pertaining to civil, political and economic rights.

(c) Training for judges/lawyers/prosecutors/public officials on the Covenant

10. At the federal and provincial level, various initiatives are being taken for awareness raising and capacity building of judges, lawyers and other judicial officers about human rights. The Federal Judicial Academy (FJA) has initiated a nationwide program of judges that includes building the judiciary's capacity in the domain of International Human Rights Conventions, ratified by Pakistan and the role of judges in their implementation with a focus on gender sensitization. The Ministry of Human Rights (MoHR) has launched a project "Huqooq-e-Pakistan" in 2018 for awareness raising, sensitization and capacity building of prosecutors and court officials about laws, enacted for protection of rights of women, children and other vulnerable segments of the society. Until July 2021, the MoHR had organized 12

¹ *Vani* or *swara* is a custom where girls, often minors, are given in marriage or servitude to an aggrieved family as compensation to end disputes, often murder, as decided by a council of tribal elders named *jirga*.

capacity-building workshops wherein training was given to 467 prosecutors and court officials.

11. From 2016-2019, Punjab conducted 22 training programs to sensitize 1,168 judges and judicial staff on laws related to gender and discrimination. The Khyber Pakhtunkhwa Judicial Academy (KPJA) has organized various training on women's rights, gender mainstreaming, empowerment, and the right to inheritance. The Balochistan Judicial Academy (BJA) has carried out several sessions of training with judges, prosecutors, commissioners, magistrates, investigation officers, and newly enrolled lawyers of Balochistan Bar Council on various topics including the Juvenile Justice System, Women and Children's Rights; Inheritance Laws, Harassment of Women, Child Rights and prevention of early marriages.

12. The MoHR and Sindh Judicial Academy (SJA) have signed a Memorandum of Understanding (MoU) on 26th April 2019 to collaborate for strengthening the capacity of the High Court judges in the province to acquaint and train judges in domestic and international laws and human rights. Under this MoU, *training programs for judges and prosecutors on "Human Rights Safeguards in the Administration of Justice in Sindh" have been organized in line with the recommendations of human rights experts. The training programmes aimed at ensuring practical engagement with the judges through proven techniques for improved performance in the duties of judges. In this regard, 55 Judges and 28 prosecutors were given training.*

13. Furthermore, in Sindh, the United Nations Office on Drugs and Crime (UNODC), Pakistan, under its Rule of Law Roadmap Program, has been training police, judiciary, and public prosecution officers. The United Nations Development Programme (UNDP), Pakistan, is also conducting judiciary training in Punjab and Khyber Pakhtunkhwa (KP). Accordingly, in KP, 75 training workshops were conducted, with 63 for judicial officers and 12 for court staff. The total number of judicial officers and court staff trained in KP is 2167 (1536 judicial officers and 631 court staff). Additionally, judicial officers have also been given training for the recently established gender-based violence (GBV) courts and child rights courts across the country. For GBV Courts, in July 2019, 88 judicial officers and an additional 38 judicial officers, and 104 prosecutors were given training in December 2019 at the Punjab Judicial Academy (PJA).

14. Balochistan Judicial Academy (BJA) has organized workshops for judges, prosecutors, and state counsel on child rights and child justice by addressing international covenants and national and domestic legal frameworks. It has explicitly deliberated upon Gender-Based Violence/ Women Violence through sensitization and advocacy of judicial officers and court personnel. BJA has included training courses on child rights, protection, and justice; human rights; forensic science-based investigation techniques; principles of judicial conduct; policy recommendations from the National Judicial Policy and International Covenants in its Annual Work Plan 2020.

Reservations

Recommendation contained in paragraph 8

The State party should consider withdrawing its remaining reservations to articles 3 and 25 with a view to ensuring the full and effective application of the Covenant.

15. At the time of ratification, the Government of Pakistan entered reservations on article 3 and 25 of the Covenant which were reviewed in 2011. As a result of the review process, the scope of reservations entered by Pakistan was narrowed to cater to the Constitutional requirements and Sharia Law, i.e., law of inheritance. Apart from the Constitutional requirements, the Government continues to implement Articles 3 and 25 of the Covenant and has taken various policy measures to promote, inter alia, equality of men and women through gender equality initiatives and ensure political participation of all citizens of the country without discrimination. Thus, the reservations are in the context and extent of upholding the supremacy of the Constitution. The explanation regarding the reservations on the provisions

of Articles 3 and 25 as submitted by Pakistan clearly mention that these “shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan.”

National human rights institution

Recommendation contained in paragraph 10

The State party should adopt all legislative, policy and institutional measures necessary to ensure that the National Commission for Human Rights is able to carry out its mandate fully and in an effective and independent manner, and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party should strengthen the power of the Commission and ensure that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity, including those allegedly committed by members of the intelligence agencies or armed forces. The State party should also strengthen its efforts to provide the Commission with sufficient financial and human resources to carry out activities throughout the territory of the State party.

16. In order to meet its international commitments, a National Commission for Human Rights (NCHR) was established in line with the Paris Principles under the National Commission of Human Rights Act, 2012. The NCHR was established to promote and protect human rights, as enshrined in the Islamic Republic of Pakistan’s Constitution and numerous international treaties to which Pakistan is a state party or may become a state party. The NCHR, as an autonomous body, functions independently of the Government and is directly accountable to Pakistan’s Parliament. It exercises full financial autonomy and has strong summoning and investigative powers. On a yearly basis, the NCHR’s financial and performance reports are presented in the Parliament.

17. The NCHR’s primary functions and powers include, among other things, conducting investigations into allegations of human rights violations and abuse(s), either through petitions filed by individuals or institutions or through suo-moto action; reviewing existing and proposed legislation in light of human rights principles; conducting research and advising on policy matters pertaining to human rights in Pakistan; and contributing to national human rights awareness-raising and advocacy. In addition, the NCHR also works in close coordination with the Global Alliance of National Human Rights Institutions (GANHRI)/UNDP to further strengthen its functioning with an ultimate aim to address the grievances of vulnerable sections of the society. The new Chairperson and members of the NCHR, following the expiry of last Commission’s tenure in May 2019, have been appointed and the Commission has resumed its functions.

18. The NCHR has 175 budgetary sanctioned posts. In 2018-2019, the total budget allocated to the NCHR was increased by 126% from the previous year (to PKR 92 million). The initial budget for 2019-2020 is PKR 93 million plus an additional allocation of PKR 20 million (a total of PKR 112 million). For the Financial Year 2020-21, the Budget allocation was Rs. 97.7 Million.

Anti-discrimination

Recommendation contained in paragraph 12

The State party should take all necessary measures, including the adoption of comprehensive anti-discrimination legislation, to ensure that its legal framework:

- (a) provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination;
- (b) includes a comprehensive list of grounds for discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status;
- (c) provides for effective remedies in cases of violation. It should also decriminalize same-sex relations between consenting adults.

19. The Constitution of Pakistan safeguards the fundamental rights and freedoms of every citizen against exploitation, and guarantees equality to all citizens of Pakistan by stressing upon the setting up of special measures to create a non-discriminatory and protective environment for all. Accordingly, Pakistan has undertaken several legislative measures to curb discrimination in all its forms and manifestations.

20. The Government of Pakistan promulgated the **Transgender Persons (Protection of Rights) Act, 2018** which guarantees basic rights for transgender citizens. The Act concerns the legal acknowledgment of gender identity and affirms transgender people's right to have their self-perceived gender recorded in government documents. Furthermore, it also provides restrictions on specific behaviours, including the prohibition on discrimination against transgender persons and the prohibition on harassing transgender people. The Act also imposes certain obligations on the State, such as establishing transgender protection centres and safe houses; establishing separate prison and detention cells for transgender people; instituting periodic sensitization and awareness of public servants, particularly law enforcement officials and healthcare workers; and developing special vocational training programmes to facilitate, promote, and support transgender people's livelihood.

21. Furthermore, the Act protects transgender people's rights, including the right to inheritance, the right to education, the right to work, the right to property, and the right to enter public areas, in addition to reaffirming that all the rights guaranteed by the Constitution of Pakistan are equally applicable to transgender people. In light of the same, the MoHR has established a Protection Centre for Transgender Persons in Islamabad to provide shelter, rehabilitation and other medical and psychological care.

22. Similarly, the **Enforcement of Women's Property Rights Act 2020** has been promulgated to protect and secure the rights of ownership and possession of property owned by women, ensuring that such rights are not violated by means of harassment, coercion, force, or fraud. Under this Act, the Ombudsman for the Protection against Harassment of Women at Workplace Act, 2010 has been empowered that in case a complainant has been illegally deprived of ownership or possession of her property, he or she can direct the Deputy Commissioner, a State officer, or any private person to take steps to restore or confer possession or title to the complainant, including measures to perfect such title.

23. In addition to this, the **ICT Rights of Persons with Disability Act, 2020** was promulgated in line with the United Nations Convention on the Rights of People with Disabilities (UNCRPD) which aims to safeguard the rights and improving the conditions of persons with disabilities in social, economic and political spheres. The Act outlines a wide range of affirmative measures, aimed at improving access for people with disabilities to fundamental services like as health care, education, employment, transportation, and communication, while also prohibiting any discrimination, particularly provision of equity in the employment for persons with disabilities in the public and private sector. Furthermore, as envisaged under the Act, a Council on the Rights of People with Disabilities has also been established which is entrusted with multiple functions such as implementing the Act, taking

possible steps to protect people with disabilities from discrimination, exploitation, and inhuman treatment, monitoring government and private organisations, and issuing performance score cards on a regular basis for their efforts in implementing the Act.

24. The National Committee for the Implementation of the UNCRPD and other international obligations relevant to disability has already been constituted under the Minister for Human Rights. The Committee is also tasked with recommending policy, legal, and administrative measures to protect and promote the rights of people with disabilities in accordance with constitutional and international obligations, as well as improving coordination mechanisms among stakeholders at the federal and provincial levels. In addition to this, the Sehat Sahulat Program for persons with disabilities and their families had been inaugurated in 2019 to secure their access to health care. Accordingly, all persons with disabilities and their families are being provided with free health insurance to obtain indoor health care services from empanelled hospitals through a very transparent and automated method under this social health protection plan.

25. Similarly, **Legal Aid and Justice Authority Act, 2020** has been enacted with an objective to provide legal, financial and other assistance for access to justice to the poor and vulnerable segments of the society in criminal cases and for matters ancillary thereto which is likely to end discrimination in criminal justice system of Pakistan. The Government of Pakistan (GoP) in 2021 proposed Bills to amend the Muslim Family Laws Ordinance, 1961 to include important provisions in the Ordinance relating to the maintenance of minor children, children with disability and unmarried daughters, and elderly parents; and inheritance rights of childless widows. The proposed Bill also entitles a divorcee wife to get maintenance if she has a suckling baby for a period of two years.

26. Moreover, the implementation of the recently enacted ICT Senior Citizen Act, 2021 is underway; a Senior Citizens Council is being established; Rules of the ICT Senior Citizens Act, 2021 have been drafted; and all the relevant stakeholders and civil society have been engaged to establish state of the art old-age-home at Islamabad.

27. The GoP has also launched “Ehsaas” program, the objective of which is to reduce inequality, invest in people, and socially and economically uplift the marginalized, the vulnerable and the poor. During the last one and half years (i.e. July 2020 to December, 2021) under Ehsaas Kafaalat Regular Payment total beneficiaries served were 10,528,494 and total withdrawal (in Pak Rs. million) 128,426.

28. In addition to the aforementioned, the MoHR has commissioned and completed an extensive study to harmonize Pakistan’s national legislation with its international human rights obligations by identifying gaps, making amendments to existing legislation, enacting new laws and informing future policy decisions. Furthermore, the GoP is in the process of amending the Article 25 of the Constitution, which guarantees the citizens right to equality. The proposed amendment will expand the definition of Equality and Discrimination. It proposes that the State shall not discriminate directly or indirectly against anyone on grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, color, age, disability, religion or language; and promote equality, by taking measures designed to protect those disadvantaged against discrimination and undertake legislation to enforce and ensure equality for all citizens.

29. This wider scope of the constitutional protection of equality has been proposed in view of the obligations and commitments under the Universal Declaration of Human Rights (UDHR) and other international conventions ratified by Pakistan. Any citizen of Pakistan may submit a petition either before the Supreme Court or the Provincial High Courts for enforcement of their fundamental rights guaranteed by the Constitution in case of infringement. It is pertinent to highlight that legal protection is available and courts effectively grant remedies in cases of discrimination. The Constitution of Islamic Republic of Pakistan ensures that no legislation in Pakistan can be promulgated against the teaching of Islam. Same-sex relationship is against the teachings of Islam, therefore, the Government of Pakistan is not obligated to allow same-sex relationship in Pakistan.

Violence against women and domestic violence

Recommendation contained in paragraph 14

The State party should continue its efforts to:

- (a) **Expedite the adoption of laws relating to violence against women that are under consideration at the federal and provincial levels and ensure they comply with international human rights standards;**

30. Violence against women and girls includes physical, sexual, psychological, emotional, political and economic abuse and exploitation. The State has enacted various legislations to address different forms of violence like harassment, deprivation from inheritance, domestic violence, acid throwing, rape etc. Specific laws to address domestic violence exist in all provinces. In KP, the Domestic Violence against Women (Prevention and Protection) Act, 2021 has been enacted. The Act comprehensively covers all aspects of women related crimes, reporting cognizance, prosecution as well as victim and witness protection. The Rules under the said Act are under vetting process. 8 Dar-ul-Aman (Shelter Homes) were established and 5 new Dar-ul-Aman are being established for providing rehabilitation services to the women victims of violence. During 2019-2021, a total of 5,734 women and girls are provided shelter services at Shelter Homes. Further, KPK Government has enacted "Home-Based Workers (Welfare and Protection) Act, 2021" which regulate working conditions, terms of employment and protect other benefits.

31. Punjab has enacted the Punjab Protection of Women against Violence Act, 2016. This law aims to protect women from instances of domestic, sexual, psychological and economic abuse, stalking and cybercrime, perpetrated by their relatives etc. The government of Punjab initiatives for implementation of the subject law includes establishment of Protection Center in Multan as Model Center as Violence Against Women Center (VAWC); establishment of Mediation and Rehabilitation Wing established with the team of psychologists and Counseling Officers; provision of legal aid to the survivors of the domestic violence and all other related remedies and awareness campaigns done in different educational institutions and organizations. Moreover, online central storage system is working for timely service delivery and monitoring mechanism in the prescribed manner with a view to achieving the objectives of the Act. It is pertinent to highlight that wings working under mediation and rehabilitation center include Mediation & Rehabilitation Wing consisting of 4 psychologists and mediation officers, Women Police Station of VAWC led by SP, SHO, IO's, ASI's and other staff, prosecution wing of VAWC consisting of 2 prosecutors, court area and judge room; medical wing providing all medical services including first aid, medical examination, x-ray, lab tests and minor operation to survivors; IT Wing advancing all case flow process of VAWC and a panel of lawyers available at VAWC to facilitate for legal advice and provide legal aid services (free of cost) to the survivors of VAWC. Since 2017 to 2021, 115,956 cases of violence against women were registered and 82,725 challan were submitted in the courts after investigation in Punjab.

32. In Sindh, the Domestic Violence (Protection and Prevention) Act was passed in 2013. The Act aims to institutionalize measures which prevent and protect women, children and any vulnerable person from domestic violence and for matters connected therewith. Under this Act, 23 cases have been registered in 2020 to 2021. 12 have been challaned and others are pending for trial. The total cases of violence against women in Sindh Province since 2017-2021, 12,284 have been registered, out of which 7,471 were arrested, 3,468 were challaned. Balochistan has also promulgated the Balochistan Domestic Violence (Prevention and Protection) Act, 2014. The Domestic Violence (Prevention and Protection), Bill 2020 at ICT level is under consideration in the National Assembly.

- (b) **Effectively enforce the anti-honour killings and anti-rape laws and other relevant laws criminalizing violence against women and domestic violence, and monitor their enforcement throughout the territory;**

33. Following the introduction of amendments in the criminal laws including Pakistan Penal Code 1860, Code of Criminal Procedure 1898, and Qanun-e-Shahadat Order 1984 and

enacted the Criminal Law (Amendment) (Offences in the name or on pretext of honour) Act, 2016 and Criminal Laws Amendment (Offences relating to Rape) Act, 2016, the GoP is also conducting extensive awareness campaigns and training of law enforcement agencies to effectively implement these laws. Recently, the Anti-Rape (Investigation and Trial) Act 2021 has been enacted which ensure expeditious redress of rape and sexual abuse crimes in respect of women and children through special investigation teams and special Courts. Moreover, Police Stations, Help lines, Women Complaint Centers, and designated Women Desks at Police Stations also aid and assist in monitoring and implementing laws including domestic violence laws and laws related to honor killing, rape, etc.

34. Furthermore, the Gender Crime Cell at the National Police Bureau compiles data on crimes against women including sexual violence, acid throwing, domestic violence, honor killing, and harassment at the workplace. Law enforcement agencies use this statistical data to make relevant policies for the protection of women's rights, monitor implementation of laws and to make effective arrangements for their enforcement. The data is compiled from multiple sources, including registered cases in police stations (FIRs), registered court cases and news reports on crimes against women.

35. The NCSW has an overarching role of monitoring, examining and analyzing the relevant government policies in respect of the women's rights in the country, including violence against women. Using a systemic approach, NCSW has developed standardized indicators on VAW, and on the basis of these indicators, a template has been developed and shared with Gender Crime Cell at the National Police Bureau with the request to provide information on a quarterly basis on reported cases of VAW from all over Pakistan.

(c) Enforce the prohibition of the application of qisas and diyat laws to so-called honour-related crimes and continue to regulate and supervise the tribal councils;

36. The Government intensively reviewed and amended relevant laws to prevent crimes in the name of honour, as a result of which crimes committed in the name of honour are now included in the list of crimes, under the principle of fasad-fil-arz, for which the court may not allow the sentence to be waived or compounded by the blood relatives of the victim.² By invoking this principle, the law ensures that a murderer committing the offence in the name or pretext of honour shall not be able to escape punishment. The Judge has been empowered to determine, beyond doubt, if the offence has been committed in the name of honour and may punish accordingly. Moreover, with the passage of Criminal Law (Amendment) (Offences in the Name or on pretext of Honour) Act 2016, strict punishment has been introduced for the convicts of honor killing making it tougher than the ordinary murder cases. Under this law, relatives of the victim would only be able to pardon the killer if he is sentenced to capital punishment. However, the culprit would still face a mandatory life sentence of twelve-and-a-half years. This is serving as a strong deterrent against committing crimes in the name of honour.

37. The Police Act, 2017 (Act No. II of 2017) provides for constitution of a Public Safety Commission (Article 48 of the Act), which is an independent body comprising of elected public representatives and a Police Complaint Mechanism System (Article 66 of the Act). In addition, the Inspector General of Police has an independent Complaint Redressal Cell (District Complaint Office), which has been established under the order of the Supreme Court of Pakistan and attends to any emanating complaint promptly and efficiently.

(d) Encourage the reporting of violence against women, inter alia by informing women of their rights as well as the legal and other services that exist through which they can receive protection and compensation;

38. The State has made extensive efforts to ensure that women across the country are aware of their rights, freedoms and the legal remedies available in case of violation of their

² According to section 311 of the PPC, fasad-fil-arz shall include the past conduct of the offender, or whether he has any previous convictions, or the brutal or shocking manner in which the offence has been committed which is outrageous to the public conscience, or if the offender is considered a potential danger to the community, or if the offence has been committed in the name or on the pretext of honour.

rights. The MoHR, NCHR, NCSW and provincial CSWs are collectively working to ensure implementation of the CEDAW through legislative measures, policies, research, awareness campaigns and other projects. To raise awareness about women's rights, International Women Day, Rural Women's Day, Girl Child Day, International Human Rights Day, 16 Days of Activism against Gender Based Violence and National Working Women Day are commemorated at national level. MoHR has relied on popular media persons to act as Brand Ambassadors. For this cause, the famous singer Shehzad Roy and actress Mehwish Hayat have spoken out against sexual abuse and girls' education. To sensitize people about importance of girls' education and rights, an effective campaign was launched through Pakistan's traditional truck art; the painting of trucks with strong messages for girl's education and empowerment. MoHR also imparts trainings and raises awareness in local languages at schools and universities through sensitization seminars, and consultative sessions on right to inheritance, early marriage, child labour and child sexual abuse.

39. Moreover, a campaign regarding family laws and women's inheritance was conducted by MoHR with support of the Council of Islamic Ideology Council in 2020, with the Chairman publicly speaking out in support of women's right to inheritance. Messages on issues of child and forced marriages, women rights, birth registration processes and sexual harassment at workplace have also been telecast on public and private media channels. National TV channel, Pakistan Television (PTV), has dedicated 30% of its time to gender-based advocacy through advertisements, sitcoms/dramas and talk shows. "Qanoonboltahai" (The Law Speaks) is being telecast to provide legal awareness to women under the supervision of highly qualified lawyers.

40. NCSW has also raised awareness through electronic media including television play on child sexual abuse, public messages on TV, a six-part awareness program on violence on Radio Pakistan and awareness on pro women laws through print media and information posters. The posters were distributed to NGOs, gender crime cells and other agencies. On mid-level and community media campaign, NCSW conducted a campaign on gender-based violence on district level and almost 90,000 men were sensitized. An extensive college programme was also designed in Punjab as a result of which 96 colleges were provided with Information, Education and Communication (IEC) material about the issue of violence and more than 40,000 students were sensitized. NCSW also implemented a unique idea to engage the corporate sector. A total of 310 corporate organizations, including the First Women Bank, were provided with awareness material and they organized awareness activities on their premises towards eradication of workplace harassment towards working women.

41. At the provincial level Punjab, PCSW developed advocacy material regarding awareness of pro-women laws and recent amendments about protection and promotion of women rights, including the Muslim Family Laws Ordinance, inheritance and property rights of women, prevention against early age marriage and forced marriage, and registration of birth and deaths. Awareness sessions were conducted in women colleges and universities and brochures, pamphlets, etc. were distributed, in 36 Districts of Punjab. PCSW launched awareness campaigns through print media, SMS, rikshaws, schools/universities along with 16 Days of Activism campaign to raise awareness on women's rights. In 2018, 32.984 Million were allocated to Directorate of Women Development and PCSW for Awareness Campaign on women's right through print and social media regarding government initiatives. Because of this, number of daily searches on Facebook increased from 2000 to 17000 gradually. In FY 2019-2020, PKR 50 Million had been allocated for mass awareness campaigns.

42. The KP Commission on the Status of Women (KPCSW) has arranged campaigns for awareness-raising on pro-women laws and workshops in collaboration with CSOs and religious leaders on pro-women laws. Moreover, Women Development Department in Balochistan with support of UN WOMEN has conducted awareness sessions on "How to Respond to Gender Based Violence & Access to Service Providers" for different communities of Quetta, Sibi and Khuzdar districts. During the financial year 2019-2020, KPCSW, with support from UNFPA, held three divisional level multi-stakeholder consultations on domestic violence in Mardan, Malakand and Kohat Districts, with 30 participants in each, and one Provincial Level multi-stakeholder consultation at Peshawar with more than 300 participants. KPCSW has also designed a series of trainings on

Sustainable Development Goals-5 i.e. Gender Equality for Government Departments to strengthen institutional capacity of Government Department on reporting on SDG-5.

- (e) **Ensure that cases of violence against women and domestic violence are promptly and thoroughly investigated and that perpetrators prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences;**

43. Pakistan has been proactive in legislating on eliminating violence against women. A number of laws and amendments have been promulgated to provide effective protection to women and safeguarding their fundamental human rights including the Protection Against Harassment of Women at Workplace Act, 2010; the Criminal Law (Second Amendment) Act, 2011 (Acid Control and Acid Crime Act); the Criminal Law (Third Amendment) Act, 2011 (Anti Women Practices Act); the Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016; Criminal Laws Amendment (offences related to Honor Killing) Act, 2016; The Enforcement of Women's Property Rights Act, 2020; and Provincial Domestic Violence Acts; Protection Against Harassment of Women at Workplace (Amendment) Act, 2022 has been enacted on 21st January, 2022. Focus has now been shifted towards the effective implementation of the aforesaid laws to ensure that crimes of violence against women are eradicated in Pakistan. Moreover, the Khyber Pakhtunkhwa the Domestic Violence (Prevention and Protection) Act 2021 has been passed. Under the law, protection committees are to be organized which will assist in identification of women facing violence and access to legal, psychological and shelter services of women survivors of violence.

44. Moreover, provisions of the PPC are part of the Basic and Service Training Courses for Police Officers as well as School of Investigation. Each Police Station and District Police Office has female Police Officer's Desk to attend to female complainants. The cases against women are immediately reported to the Inspector General of Police, KP and they are pursued in courts through District Public Prosecutors. Women victims and witnesses are the responsibility of the Police Stations under the District Police Officers and are supervised by the chain of command. Seminars and Special Training Courses have been designed for police officials dealing with investigation of cases relating to women. Periodic visits to schools, colleges, universities and general public are being held to create awareness and educate people about how and where to report cases of violence against women.

- (f) **Ensure that victims receive the necessary legal, medical, financial and psychological support and have access to effective remedies and means of protection;**

Access to Justice/Legal Assistance

45. To ensure the necessary legal assistance and support to women, the Legal Aid and Justice Authority Act, 2020 has been enacted which provides legal, financial and other assistance for access to justice to the poor and vulnerable segments of society in criminal cases and for matters ancillary thereto. The Legal Aid Authority under the said Act has been established and fully functional. The Board of Governors of the Authority has been notified. The Director General of the Authority has been appointed who is the administrative head of the Authority.

46. The Government of Pakistan has also established a statutory endowment fund called the Access to Justice Development Fund (AJDF). One of the objectives of the AJDF is legal empowerment by providing funding under the Legal Empowerment Fund Window, a share of which is utilized for free legal aid/assistance to deserving litigants. The funds are provided through District Legal Empowerment Committees (DLEC). Till date, an amount of PKR 60 Million has been released to DLECs established in 114 Districts across the country and legal assistance granted to 2832 deserving litigants across Pakistan. Furthermore, the MoHR Human Rights Relief and Revolving Fund provides financial assistance to deserving and needy women.

47. At the provincial level, in Sindh, the Women Development Department has undertaken extensive province wise ADR programs for women in collaboration with Karachi Centre for Dispute Resolution and pro bono lawyers. Around 1200 women were given ADR support to resolve civil and family disputes. Furthermore, free legal aid and advisory services are being provided through the public private partnership mode (with LAS) in 11 Districts of

Sindh. Four crisis centres are also giving out legal aid, with dedicated panels of pro bono lawyers. The Social Welfare Department, Balochistan provides free legal aid and financial compensation to victims of discrimination, women with disabilities and religious minorities. The Punjab Bar Council's Legal Aid Society provides legal aid to marginalized men and women.

Courts

48. The National Judicial (Policy Making) Committee has directed Pakistan's high courts to set up 116 separate courts across the country to hear cases of gender-based violence (GBV). Cases would be assigned to Session or Additional Session judges trained by the Punjab Judicial Academy (PJA) in collaboration with Asian Development Bank. Furthermore, 16 separate family court complexes have been established in the District Headquarters of Punjab and the Lahore High Court has inaugurated Pakistan's first Gender Based Violence Court in 2016. The number of GBV Courts designated in province of Punjab are 36 and the number of judicial officers assigned to GBV cases are 36. In province of Sindh, 27 courts have been designated as GBV Courts and the number of judicial officers assigned to GBV cases are 46. In KPK, the number of designated GBV courts are 29, and number of judicial officers assigned to GBV cases are 32. In Province of Balochistan, there is one GBV court and 1 judicial officer assigned to GBV cases. In Islamabad Capital Territory (ICT), 2 GBV courts have been designated and one judicial officer has been assigned to GBV cases.

Police Stations/Desks

49. Women friendly helpdesks have been established at 98% of all Police Stations across Punjab and there are three women police stations (at Lahore, Rawalpindi, and Faisalabad). All Islamabad police stations have women's helpdesks. Human rights and women rights desks have also been established in police stations in over 15 districts in KP. The KP Integrated Victim Support Network has also been set up to link up a network of relevant services providers (police, hospital, social welfare shelters, etc.) which is to be introduced in five districts – Swat, Peshawar, Mardan, Charsadda, Abbottabad. Meanwhile in Sindh and Balochistan, District Complaint Cells, Women Complaint Cells, Safe Houses, Police Helplines and Police Stations have mechanisms to deal exclusively with women related issues. Sindh also has a helpline (0800-70806) and the Sindh Legal Advisory Call Centre to provide legal advice to women and victims of gender-based violence. Meanwhile, in January 2021, the Balochistan government launched 'Balochistan Women Helpline: 1089' for registration of complaints against women harassment at home and work place. The women could register their complaints on the helpline regarding harassment, domestic violence, harassment at work place and property issues.

Shelters/ Medical/ Psychological services

50. Various shelters homes (Dar-ul-Amans), women crisis centres and safe houses are functional at the federal and provincial levels to provide residence and rehabilitation to marginalized women. The Women's Shelter working under MoHR provides shelter to women and children. In the ICT, a Family Protection & Rehabilitation Centre for Women (FPRCW) has also been established, which provides counseling and legal and medical aid to women. Services available at FPRCW include psycho-social, and legal counseling, individual and group therapy to overcome depression and trauma, medical and legal aid, outreach visits, reconciliation, reintegration and social rehabilitation. FPRCW also provides temporary accommodation and food, basic education, professional vocational training and runs its own toll-free helpline service (111-12-13-14).

51. In Balochistan, three Shaheed Benazir Bhutto Centres for Women (SBBCW) are functional at Sibi, Khuzdar, and Quetta and three more centres are being established at Ketch, Loralai, and Naseerabad districts. In addition, Dar-ul-Aman shelters are also facilitating hundreds of women each year. Besides, a 50-bed old home for women is also under construction in Balochistan.

52. Similarly, the government of Sindh has established Women Complaint Centers (WCC) and Shaheed Benazir Bhutto Centres for Women through which, during last two years, more than 500 victims of domestic violence and honor killing rape, acid throwing, child custody

and dissolution of marriage have been given legal aid and socio-psychological counseling. They have also provided 154 women with psycho-social counseling in cases of violence, 150 women received psycho-therapeutic counseling, 64 received legal counseling and 27 received free legal aid. Seven complaint cells have also been established to respond to victims of gender-based violence. In addition, safe homes and protection centers have also been established at district level in Sindh under the supervision of the Deputy Commissioners of the districts to provide shelter and relief to women victims of violence.

53. In Punjab, women survivors of violence are provided with shelter, welfare and rehabilitation services in women's shelters (Dar-ul-Amans) in all 36 districts. A Violence against Women Centre (VAWC) in Multan was established in March 2017, at the cost of PKR 232 million. The center provides 24/7 services including but not limited to first aid, police reporting, FIR lodging, prosecution, medical examination, forensics and post-trauma rehabilitation under one roof. All these facilities are run and managed by female staff. The project was initially estimated to provide protective and rehabilitation services to 1200 women a year, but has already catered to 3078 victims in the last two years. The staff at that center is trained to provide professional services to victims of offences such as domestic violence, rape, harassment and family disputes.

54. The Provincial Government of KP has established four female shelter homes in districts Peshawar, Mardan, Swat and Abbottabad while two additional shelter homes are being established in Haripur and Mansehra. The Social Welfare Department is also running nine welfare homes for destitute and orphan children. There are two welfare homes dedicated to female children in districts Nowshehra and Malakand.

Helplines

55. To provide legal advice on human rights violations, the Ministry of Human Rights has established a helpline (1099). Similar helplines have also been established at the provincial level. KP has established a toll-free helpline BOLO (Speak) for the assistance of survivors of GBV and women with disabilities. Punjab has also established a women's helpline (1043) to provide a platform to register their complaints and grievances. Public Prosecution Department Punjab has established 17 Legal Advice Centres for women at the district level, where female prosecutors provide legal aid. Sindh also has a helpline (0800-70806) and the Sindh Legal Advisory Call Centre to provide legal advice to women and victims of gender-based violence. In January 2021, the Balochistan government launched 'Balochistan Women Helpline: 1089' for registration of complaints against women harassment at home and work place.

- (g) **Ensure that judges, prosecutors and law enforcement authorities continue to receive appropriate training that equips them to deal with cases of violence against women and domestic violence effectively and in a gender-sensitive manner; and increase the number of female police officers and specialized units dealing with such cases to an adequate level.** (Details cited above in 6-c.).

Voluntary termination of pregnancy and maternal mortality

Recommendation contained in paragraph 16

The State party should review its legislation to ensure that legal restrictions do not prompt women to resort to unsafe abortions that may endanger their lives and health. It should also take all measures necessary to combat the stigma associated with abortion; ensure the provision of safe voluntary termination of pregnancy by trained medical providers; ensure ready and affordable access to post-abortion health-care services throughout the country; and improve access to affordable contraception and sexual and reproductive health education and services, including for adolescents and disadvantaged women and girls in rural areas.

56. The abortion law in Pakistan are in compliance with the State's international obligations, human rights standards and our Constitutional framework. Needless to point out

that there is no international consensus on the issue of abortion and this issue has to be dealt by each country keeping in view their national, religious and cultural sensitivities and the best interests of the woman and child.

57. The relevant legal provision, Section 338 of the PPC, states that whoever causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman or providing necessary treatment to her, is said to cause 'Isqat-i-Haml' and is liable to a punishment of three years imprisonment if the abortion is performed by the woman's consent otherwise a maximum of ten years. The term 'necessary treatment', means any medical or surgical intervention necessary, in good faith, for the purpose of saving the life of the woman. This law provides the appropriate safeguards and balances the interests of protecting the life of the child and the mother as it provides discretion to be exercised in light of medical advice.

58. The Ministry of Health, after a series of consultative and consensus building meetings and with the technical and collaborative efforts of Health Services Academy and other Government and NGOs across the country, has developed and notified National Service Delivery Standards and Guidelines for high quality safe uterine evacuation/post-abortion care in 2018. These national standards and guidelines for safe abortion care are evidence-based and periodically updated. They provide the necessary guidance to achieve equitable access to good quality care.

59. The Sindh Reproductive Healthcare Rights Act, 2019 has been enacted which aims to facilitate provision of reproductive healthcare services in the Province of Sindh. Further, Sindh government's family planning program caters for neo-natal and other needs. 2018-19 data shows 501,129 beneficiaries of this program. The Punjab health department in 2015 approved the Service Delivery Standards and Guidelines for High-Quality Safe Uterine Evacuation and Post Abortion care for implementation across all primary, secondary and tertiary level healthcare facilities.

60. The KPK Government has established Health Care Commission in order to control, monitor and regulate private hospitals, clinics and nursing homes. The number of Medical Centers (including Basic Health Units) available to women is 1504. The Number of Medical staff available for women in pregnancy related healthcare services in 2019 is 16,977 lady health workers, 6,157 nurses, 1,975 birth attendants, 1,034 LHV's.

61. Abortion is a sensitive subject given the cultural and religious context in Pakistan, therefore, carefully designed awareness campaigns for service providers and community are being undertaken. Capacity building trainings have been provided to health professionals that help them overcome the stigma surrounding abortion and teach them about abortion's legal status. The Ministry of National Health Services, Regulations and Coordination, Provincial Departments of Health and Population Welfare Departments, in collaboration with an international NGO, are working together to increase access to safe abortions and contraception. The measures taken include training of doctors, nurses and midwives in clinics; counseling sessions on abortion, post abortion care and family planning; engaging women and men in communities through social mobilization to expand their knowledge on reproductive health and rights; development of educational material for social mobilizing on safe abortion, post-abortion care and affordable contraception.

62. There are more than 3,000 service delivery points of Population Welfare Departments and more than 7,000 service delivery points of Health Departments in the country to provide safe and affordable contraception to clients and improving access to contraception.

Death Penalty

Recommendation contained in paragraph 18

The State party should reinstate the moratorium and consider abolishing the death penalty and acceding to the second Optional Protocol to the Covenant. If the death penalty is maintained, the State party should, as a matter of priority, take all measures necessary to ensure that:

- (a) **The death penalty is provided only for the “most serious crimes” involving intentional killing; it is never mandatory; pardon or commutation of the sentence is available in all cases, regardless of the crime committed; and it is never imposed in violation of the Covenant, including in the absence of fair trial procedures, and is not imposed by military courts, in particular against civilians;**
- (b) **No person who was below 18 years of age at the time of the commission of an offence is subjected to the death penalty and those charged with a capital offence have access to an effective and independent age determination process, and are treated as children if doubts remain about their age at the time of the crime;**
- (c) **No one with serious psychosocial or intellectual disabilities is executed or sentenced to death, including by establishing an independent mechanism to review all cases where there is credible evidence that prisoners who are facing the death penalty have such disabilities and reviewing the mental health of death row inmates;**
- (d) **The execution protocol is in line with international human rights standards and executions are carried out overseas are provided with sufficient legal and consular services throughout their legal proceedings.**

63. ICCPR allows capital punishment but under certain limitations. Article 6 of the said Covenant states that in countries, which have not abolished the death penalty, death sentence may be imposed only for the most serious crimes. There is no international consensus on the definition of “most serious crimes”. Pakistan’s policy approach on death penalty is in line with the Constitution and national circumstances and in consonance with its international obligations. Pakistan is examining the existing provisions of its Criminal Procedure Code (Cr. PC) and Pakistan Penal Code (PPC) to determine if the scope of death penalty can be narrowed. The moratorium on death penalty was lifted after a national consensus developed in the wake of dreadful and atrocious attack in 2014 on Army Public School, Peshawar in which more than one hundred and forty students and teachers lost their lives.

64. The death penalty is awarded by courts after following due process of law. Every accused sentenced to death has the constitutional right to get pardon, reprieve and respite, and to have such sentence remitted, suspended or commuted. Every person condemned to death has the right to seek pardon or commutation of sentence. Article 45 of the Constitution states, “The President shall have power to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.” All the prisoners sentenced to death, whether by Ordinary Courts or Military Courts are given the opportunity to seek Presidential Pardon. This is part of the right to due process of law as guaranteed in Article 10-A of Pakistan’s Constitution.

65. In February 2021, the Supreme Court of Pakistan, in a landmark judgement, barred the use of the death penalty for inmates with serious mental conditions who are “unable to comprehend the rationale behind their execution.” The Supreme Court held that under such circumstances, death sentence does not “meet the ends of justice”. The Court also directed authorities to amend the Prison Rules to ensure that the manuals pertaining to prisons of all provinces are in harmony. The Court also instructed the federal and provincial governments to establish/create high security forensic mental health facilities at teaching and training mental health institutions.

66. The federal and provincial governments were also directed to launch training programmes and short certificate courses on forensic mental health assessment for

psychiatrists, clinical psychologists, social workers, police and prison personnel. It is pertinent to highlight that since 2019, 31 mental health professionals have been posted in prisons across Punjab to provide mental health services to inmates on death row. Mental health professionals maintain psychological profiling of inmates for screening and preventing self-harm or harm to others. Similarly, the government of Punjab has established a well-equipped hospital in each prison with both outdoor and indoor prison facilities. Provision of all essential medical equipment and machinery in prison hospitals is ensured. Similarly, in KPK, all prisoners especially those on death row are provided proper medical treatment. Medical Specialists, Dental Surgeon, psychiatrist and other specialist doctors regularly visit prisoners. Other facilities being provided to death row prisoners in KPK include provision of basic necessities; access to legal and family visits and opportunity for recreation and access to health care. Similarly, medical facilities are being provided to death row prisoners through medical staff in Sindh. If any prisoner has mental illness, prisoners are provided medical check-up through visiting psychiatrists if.

67. The Federal Judicial Academy, Islamabad, and all the provincial judicial academies shall also arrange courses for trial court judges, prosecutors, lawyers and court staff on mental illness including forensic mental health assessment, the judgement added. The Supreme Court clarified that not every mental illness shall automatically qualify for an exemption from carrying out the death sentence. "This exemption will be applicable only in that case where a medical board, consisting of mental health professionals, certifies after a thorough examination and evaluation that the condemned prisoner no longer has higher mental functions to appreciate the rationale behind the sentence of death awarded to them," the judgement read. In the judgement, the apex court observed that the terms "mental illness" or "mental disorder" are both used to refer to mental ailments and are defined by medical science. Although the Supreme Court does not remove all mentally-ill prisoners from death row, it entitles them to be further reviewed by a medical board so their death sentence may be commuted, which contributes to reducing the scope of the death penalty as a first, but crucial, step toward abolition in law.

68. Despite the lifting the moratorium, Pakistan has seen a stark reduction in the executions of convicts in recent years. An estimated 93 executions of convicted have been carried out during the period from 2017 to 2019, however no execution has taken place in 2020 and 2021 which portrays a steady decline in death penalties. Following the 2021 judgment of the Supreme Court, and the Government of Pakistan's commitment to fulfill its international obligations, a further decrease in the statistics of death penalty can be expected.

69. In accordance with the Juvenile Justice System (Juvenile Justice System Ordinance, 2000), death penalty cannot be imposed on individuals below the age of 18 in Pakistan. Adequate safeguards are in place to ensure this, and no death penalty has been awarded to any individual below the age of 18. The Juvenile Justice System Act, 2018 has also been promulgated. The Act provides for disposal of cases through diversion and social reintegration of the juvenile offenders. Provision in the law allows for self-determination of age, shifting the onus to prove otherwise on the prosecution. The age of accused is determined at several stages:

- (i) Time of arrest
- (ii) Arrest Certificate (Hulaiya Form)
- (iii) Statement u/sec 161 CRPC
- (iv) Entry in police diary (Zimni)
- (v) Statement u/164 CRPC
- (vi) Recording of evidence
- (vii) Statement u/sec 340, 342 CRPC
- (viii) Appeal to High Court
- (ix) Appeal/Revision Petition to Supreme Court
- (x) Pardon to President u/Art 45 of the Constitution.

70. Moreover, after the detail consultation process with all the stakeholders Government approved Standard Operating Procedures to simplify the procedures and process of mercy petition for the convicted. In this regard all provincial governments have constituted committees consisting of representatives nominated by Ministry of Human Rights and Prison Departments for scrutiny and monitoring of cases from human rights perspectives.

Enforced disappearance and extrajudicial killings

Recommendation contained in paragraph 20

The State party should criminalize enforced disappearance and put an end to the practice of enforced disappearance and secret detention. It should also review the Actions (in aid of Civil Power) Regulation, 2011 with a view to repealing it or bringing it into conformity with international standards. It should also ensure that all allegations of enforced disappearance and extrajudicial killings are promptly and thoroughly investigated; all perpetrators are prosecuted and punished, with penalties commensurate with the gravity of the crimes; families of disappeared persons and their lawyers and witnesses are protected; and a mechanism is put in place for full and prompt reparation for victims and their families. It should further strengthen the authority and the capacity (financial and personnel) of the Commission of Inquiry on Enforced Disappearances so that the latter can function effectively.

71. The Federal Government had constituted a ‘Commission of Inquiry on Enforced Disappearances’ in March 2011 in exercise of the powers conferred upon it under Pakistan Commissions of Inquiry Act 1956 (replaced by Pakistan Commission of Inquiry Act 2017). The Commission, comprising the Chairman and two Members, is headed by a former Judge of the Supreme Court of Pakistan. The Commission of Inquiry on Enforced Disappearances serves as a legal forum for families of alleged disappeared persons to lodge complaints. During investigation of cases, they are kept informed about progress of their cases. The hearing of the cases is done in their presence. The system is absolutely free of cost as neither there is any fee for lodging a complaint nor the complainants are required to engage lawyers to appear before the Commission. The hearings are also held at the provincial capitals with a view to save expenses of the complainants to travel to the federal capital. During investigation of cases, the Commission has been receiving full co-operation from all stakeholders including Federal and Provincial Governments, Intelligence and Law Enforcing Agencies. Further, the Federal Government has introduced the bill – the Criminal Laws (Amendment) Bill, 2021. The bill states that a new section 52-B (enforced disappearance) should be inserted into PPC. The proposed section introduces a comprehensive definition of the term enforced disappearance. The bill also seeks to insert new sections 512 and 513 in the PPC Penal Code, after section 511. The proposed Bill has been advanced for further legislative process in the Parliament.

72. Consequent to concerted efforts and co-ordination with the stakeholders, the Commission of Inquiry on Enforced Disappearance has been able to dispose majority of the cases. The total number of cases of alleged enforced disappearances received up to August, 2021 was 8122. By August, 2021, 5853 cases were disposed. Out of the 56 cases reported in August, 2021, 45 persons were traced of which 35 were returned to their homes, 05 were found to be confined in internment centres, 04 were confined in prisons, 01 was found dead, and 11 petitions were dismissed as these were not cases of enforced disappearance. Accordingly, as of 31st August, 2021, 2269 cases of alleged enforced disappearances were pending. A total of 371 legal proceedings were held across Pakistan during August, 2021, out of which 180 were conducted in Islamabad, 72 in Lahore, 58 in Karachi and 61 in Quetta.

73. The Actions (in Aid of Civil Power) Regulations, 2011 have been formulated strictly in conformity with the International Human Rights Standards. The abuse or misuse of force during operations has been made punishable under the Regulations. All detainees apprehended during operations are kept in declared and notified Internment Centers. The internees’ cases are being regularly reviewed by the Oversight Boards notified by the Provincial Governments. Comprehensive provisions including welfare of detainees, de-

radicalization, release and disposal of cases are contained in the law. Moreover, the medical condition of the detainees' hygiene and mental health is given due consideration.

Anti-Terrorism Act

Recommendation contained in paragraph 22

The State party should review the Anti-Terrorism Act with a view to aligning the definition of terrorism provided in article 6 of the Act with international standards; removing the jurisdiction of the antiterrorism courts over juvenile offenders; repealing section 21-H of the Act; and establishing procedural safeguards in the Act and bringing the court proceedings into line with articles 14 and 15 of the Covenant to ensure fair trials. It should also take the measures necessary, acting in line with the Covenant, to reduce the existing backlog of cases.

74. The Anti-Terrorism Act, was promulgated in 1997 and amended on 24 October 1998 by the Anti-Terrorism (Amendment) Ordinance. In 2019, the Supreme Court laid down the guidelines on the applicability of or otherwise of the anti-terrorism law and directed the Parliament to make some essential changes. Ghulam Hussain vs. the State is a landmark judgment by the Supreme Court of Pakistan, which lays down a conclusive and narrow scope of the definition of terrorism and its application with respect to criminal cases, thereby preventing misuse of anti-terrorism law. To invoke the provisions of ATA 1997, a three-fold test needs to be satisfied in pursuance of this judgment: a) there must be actus reus, b) there must be mens rea, and c) the first two conditions must be coupled with an intention to advance an ideological, political, or religious cause. With this judgment, the Supreme Court of Pakistan has brought this law in consistency with the prevalent notion of terrorism under local jurisdictions and international law. The judgment also recommends the legislature to limit the scope of the ATA 1997 by amending the preamble of the Act to only include acts of terrorism, and by removing Schedule III from the Act.

Military Courts

Recommendation contained in paragraph 24

The State party should (a) review the legislation relating to the military courts with a view to abrogating their jurisdiction over civilians and their authority to impose the death penalty and (b) reform the military courts to bring their proceedings into full conformity with articles 14 and 15 of the Covenant in order to ensure a fair trial.

75. The Parliament passed the 21st Constitutional Amendment and the amendment to the Pakistan Army Act, 1952, to establish the special military courts after the massacre in the Army Public School, Peshawar to deal with terrorism related cases only. This amendment was challenged in the apex court. After a five-month long hearing, the challenges to the 18th and 21st amendments were disposed of by the Supreme Court.

76. In the wake of daunting challenges and threats posed by terrorist's attacks and loss of precious life and property, the military courts were established under the 21st Constitutional amendment with limited scope i.e. to deal with terrorism related cases only. These military courts had expired on January 2017 but were given extension for another two years through Constitutional Amendment. These courts have now expired in March 2019.

Torture

Recommendation contained in paragraph 26

The State party should:

- (a) **Amend its laws to ensure that all elements of the crime of torture are prohibited in accordance with article 7 of the Covenant and stipulate sanctions for acts of torture that are commensurate with the gravity of the crime;**
- (b) **Ensure prompt, thorough and effective investigation of all allegations of torture and ill-treatment, prosecute, punish the perpetrators, if convicted, with penalties commensurate with the gravity of the offence and provide effective remedies for the victims, including rehabilitation;**
- (c) **Ensure that confessions obtained by coercion are never admissible in legal proceedings;**
- (d) **Take all measures necessary to prevent torture, including by strengthening the training of judges, prosecutors, the police and military and security forces.**

77. The Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill, 2021 has been prepared by Ministry of Human Rights after careful review and consultations with the relevant institutions including the Ministry of Law and Justice, Ministry of Interior, FIA, Police and incorporating their feedback and comments have been incorporated in the subject Bill. The Bill stipulates that any public servant involved in torture would face up to 10 years imprisonment and a fine of up to PKR 2 million. If a public servant, whose duty it is to prevent torture, either intentionally or negligently fails to prevent it, he/she will face up to five years imprisonment and a fine of up to PKR 1 million. The Bill was passed by the Senate in July 2021 and subsequently, introduced before the National Assembly of Pakistan on 29 September, 2021 by the Ministry of Interior. Presently, the Bill is cleared by the National Assembly Standing Committee on Interior.

78. The federal and provincial government officials at the highest levels in Pakistan are making strenuous efforts to reaffirm the commitment towards absolute prohibition of torture in addition to publicly condemning such practices. In line with our zero tolerance policy against torture, the heads of district police units have been successful in significantly reducing incidents of torture against persons in police custody. Being a parliamentary democracy with an independent judiciary, vibrant civil society and free and open media, any cases of alleged police torture or misbehaviour are immediately highlighted and thoroughly investigated. If the accused officer is found guilty of misuse of power and/or misbehaviour after due departmental inquiry, they are awarded the appropriate departmental punishment which may range from major punishments i.e. dismissal, removal from service, compulsory retirement, forfeiture of approved services, reduction in pay rank, and recovery from pay/pension to minor punishments i.e. withholding of increment, withholding of promotion, reduction of lower stages or stages in pay scale, censure, extra drill quarter guard and fine) in accordance with the nature of offence.

79. In the province of Punjab for example, there is a strong and disciplined accountability mechanism in the Police Department. Whenever, violation of any Rules/Regulations by any police officer is noted by Regional Police Officer/City Police Officer/District Police Officer, departmental action is initiated against the concerned officer immediately under "Punjab Police Efficiency and Discipline Rules, 1975" by respective Regions / Districts. However, action against Provincial Police Officers from the rank of Deputy Superintendent Police (DSP) to onward and ministerial staff is taken under "the Punjab Civil Servants (E&D) Rules, 1999". In 2021 alone, 624 police officials were punished for offenses of torture or misbehavior in Punjab. In 2020, only 04 cases were registered and no case was registered in which women or children were victim. In 2019, around 20 cases of police torture in police custody were reported; out of these cases, Challan was submitted in the Court on 9 cases; one complaint found false; 03 police officials have been dismissed from the service, whereas 01 police

official has been given a punishment of reversion in accordance with the Police Order 2002. Criminal cases registered against all other cases are under trial. Moreover, Pakistan Penal Code and the Criminal Procedure Code also declares void any confession made under the coercion.

80. Governments of Sindh and Baluchistan have taken necessary steps to curb the menace of torture. Strict instructions have been disseminated among the field units to adopt scientific method to investigate the detainees without resorting to torture. It is pertinent to highlight that in the province of Balochistan, 2 DSPs were punished for misconduct and inefficiency under the police internal accountability mechanism. Similarly, in the instance of KPK Police department, a zero-tolerance policy is being adopted against the use of torture by the police officials.

81. Various other accountability mechanisms also exist to ensure that no person is subjected to torture. NCHR, established in 2015, is an independent statutory body which has powers to take cognizance of human rights violations either on suo-moto basis or on petition and can summon persons or inquire into violations of human rights.

82. NCHR being an independent NHRI is effectively dealing with complaints of torture and other cruel inhuman degrading treatment and punishment. The Commission is proactively engaging police and other law enforcement agencies to prevent torture and provide opportunities for victims to agitate their claims before the Commission for redress. Since its establishment in 2015-2019, the Commission received 1529 complaints including 59 suo-motu notices of police abuse and torture. The Commission directed the relevant authorities to take punitive actions against perpetrators accordingly. Subsequently concerned authorities are submitting their reports of their actions to the Commission.

83. Police departments are also focusing on capacity building and trainings of police officials and officers to enable them to adopt community based modern police services and avoid traditional methods of investigation through police academies and other institutions. Federal and provincial Judicial Academies are also imparting trainings to Judges and Prosecutors on a regular basis to curb the menace of torture and to strengthen the accountability mechanisms which have already been identified in Recommendation Paragraph No. 6.

84. Balochistan Judicial Academy (BJA) has made endeavors for sensitization about ban on torture and modern techniques of evidence collection, particularly forensic evidences gathering techniques to the investigating officers of Police and levies force and prosecutors. BJA has also arranged visits/ study tours/ interactive sessions in the Chemical laboratory of university for investigating officers and prosecutors to improve their understanding and application of modern techniques of information gathering/ forensic science/ medical/ chemical report preparation in criminal investigation cases.

Deprivation of liberty

Recommendation contained in paragraph 28

The State party should intensify its efforts to reduce prison overcrowding and improve the conditions of detention, particularly health care and hygiene. It should also take all measures necessary to ensure that pre-trial detention is used solely as an exceptional measure and not for excessively long periods, in accordance with article 9 of the Covenant.

85. In 2020, the Ministry of Human Rights, under the directions of Islamabad High Court,³ prepared a 'Prison Reforms in Pakistan Report' to review the status of prison conditions in Pakistan. The report examined the human rights conditions in Pakistani prisons, and implementation status of the Prison Rules and the Code of Criminal Procedure, 1898, with relation to inmates suffering from illness and illnesses. The Report reviewed the Prison Rules and other related regulations with the goal of harmonizing the State of Pakistan's duties

³ *Khadim Hussain vs Federation of Pakistan* (Writ Petition 4037 of 2019).

under the Constitution, International Treaties, and Conventions, and proposed recommendations to further improve the human rights conditions in prisons, as well as make changes to any laws, rules, or regulations including strengthening governance and management structures. It is pertinent to highlight that according to Chapter 9, Rules 227 and 231 of the “Classification and Separation of Prisoners” under the Pakistan Prison Rules 1978, the pre-trial detainees are held separately from convicts, women from men and minors from adults. Moreover, pre-trial detention in Pakistan is used solely as an exceptional measure, mostly in terrorism related cases.

86. The Government recognizes the issue of prison overcrowding, which is mainly confined to Punjab, and is fully committed to take necessary steps to ameliorate the situation.

87. With respect to alternate measures, the Government of Punjab is reducing overcrowding by releasing of prisoners on parole to those prisoners who were involved in petty crimes on furnishing of security bonds. The Punjab Probation and Parole Services Act 2019 was passed to create an effective and efficient probation and parole service for assessing and managing offenders who have been or may be sentenced to probation or parole, as well as for better coordination in the criminal justice system, and for matters connected with or incidental thereto. It specifies the functions of the parole board, probation officers, and parole officers, as well as the methods for system upkeep. The Act also requires the Government to develop and operate a service known as the Punjab Probation and Parole Service which shall be responsible for assessing offenders’ risks and needs, developing plans for working with offenders, managing offenders’ risks, maintaining and updating data on offenders managed or evaluated by the Service, ensuring that conditions of release or license are met, and facilitating offenders’ rehabilitation. The drafting of Parole Rules under the aforesaid Act has been completed and a Parole Board has been constituted.

88. In Punjab, 08 District Jails, 01 High Security Prison and 01 Sub Jail have been constructed. Construction of 02 new jails i.e. District Jail Lodhran and High Security Prison Mianwali are also underway. Additionally, conversion of 02 judicial locks ups in to sub jails is also in process. These steps will further reduce the overcrowding from 42% to 30%.

89. There is no issue of overcrowding in the jails in Khyber Pakhtunkhwa and Baluchistan. Nevertheless new prisons have been established in Khyber Pakhtunkhwa. The recently established prison in Peshawar jail has become functional, and the one in Swat will also become functional soon. In order to ensure that there is no overcrowding, Prison Camp Courts are held on each Friday by Judicial Magistrates for disposal of petty cases. 2,860 cases have been disposed off through these camp courts. Moreover, 29 poor and convicted prisoners were released upon payment of Diyat (i.e. financial compensation to victims). The Prisons Department KPK has also carried out a census and identified prisoners that can be released on parole. In addition to the foregoing, the Prisoners Management Information System (PMIS) has been installed in 14 jails in Khyber Pakhtunkhwa, wherein 6 modules of prison record, hospital record, store inventory and staff record have been digitized.

90. In Sindh, construction of several prisons has been completed e.g. the construction of 10 additional Barracks at District Prison Malir, Karachi. New Prisons are planned in Thatta District with a capacity of 500 prisoners and construction of additional 04 new barracks is underway in District Prison Shikarpur. The Sindh Prisons and Correction Services Act, 2019 has been promulgated to safeguard the fundamental rights of all prisoners. This law is in conformity with the basic principles for the treatment of prisoners, as elaborated by the UN General Assembly Resolution 45/111. The Rules has been formulated, keeping in view the Nelson Mandela Rules and ensure that the prisoners are given safe custody, and assisting them with rehabilitation into society as law-abiding citizens. The Prison Management Information System has been set up in 22 prisons in Sindh to keep a track of inmates, their security, visitation and record. Further, CCTV Cameras has been installed at central prison in the prisons. The total Budget allocation on account of diet of prisoners has been increased from Rs. 1.2 Billion to Rs. 1.4 Billion. Under the Act, the Provincial Government had begun the process of releasing elderly offenders who had served half of their sentences and those who were gravely ill but had not been guilty of any serious crime or terrorism.

Freedom of movement

Recommendation contained in paragraph 30

The State party should review the Passports Act and other legislation and policies relating to the Exit Control List, the Black List, the Passport Control List and the Visa Control List with a view to bringing them into compliance with article 12 of the Covenant, and ensure that they do not restrict freedom of movement on unjustified grounds.

91. In Pakistan, the right of freedom of movement is guaranteed under Article 15 of the Constitution, which states that “Every citizen shall have the right to remain in, and subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.” However, under certain circumstances, the right of freedom of movement may be curtailed for a legitimate purpose through legal means. The Directorate General of Immigration and Passports (DGIP) is responsible for issuing Passports, Pakistan Citizenship and Renunciation of Pakistan Citizenship Certificates. However, people whose names appear on Exit Control List (ECL) and the Black List (BL) cannot receive passport. In addition to this, the Government can cancel, impound or confiscate a passport under specific circumstances as defined in Passports Act 1974.

92. According to the Exit Control List Ordinance, 1981 and Exit Control List Rules 2010, names of individuals can be placed on the Exit Control List (ECL) by the government itself or on the instructions of the courts themselves under special circumstances. These include persons who have committed the crimes of corruption, misuse of power or authority, economic crimes where large governments funds have been embezzled or institutional frauds committed; acts of terrorism or its conspiracy and other heinous crimes. Any person aggrieved by the order of Federal Government regarding placement of his or her name on ECL, can under the law, file a Review Petition giving justifications for review and also can seek a personal hearing with the competent authority. The ECL and its governing rules are reviewed periodically to assess the need for further retention of a person on it. In April 2022, the Government amended the ECL rules. According to the revised rules, an individual’s name, which had been on the ECL for more than 120 days, would automatically be removed unless the Government requests for retention to the ECL Committee by providing supporting evidence.

Right to a fair trial and administration of justice

Recommendation contained in paragraph 32

The State party should continue to review existing legislation on the administration of justice with a view to bringing it into compliance with the Covenant and international human rights standards, and take specific steps to ensure that the Constitution, federal laws and the jurisdiction of the highest courts are applied in the entire territory of the State party, including the Federally Administered Tribal Areas. It should also take all measures necessary to strengthen the independence, qualifications and effectiveness of the judiciary.

93. In Pakistan, each province has a High Court which exercises jurisdiction over the entire province pursuant to Article 199 of the Constitution. The Supreme Court has jurisdiction over all of Pakistan under Article 184 of the Constitution whereby constitutional petitions may be filed for matters of public importance. The Supreme Court usually entertains cases of Fundamental Rights under this Article of the Constitution. Jurisdiction of superior courts applies to entire territory of Pakistan, including former FATA, which is now merged into KP as a result of 25th amendment to the Constitution. Supreme Court and High Court Extension of Jurisdiction to Federally Administered Tribal Areas Act, 2018 has been passed. The province of Gilgit-Baltistan has its own legal framework. The superior courts are called the Supreme Appellate Court and Chief Court. Similarly, the superior courts in Azad Jammu and Kashmir are the Supreme Court AJK and AJK High Court.

Freedom of religion, conscience and belief

Recommendation contained in paragraph 34

The State party should:

- (a) **Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48;**
- (b) **Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished;**
- (c) **Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases;**
- (d) **Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished;**
- (e) **Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas;**
- (f) **Fully implement the judgment of the Supreme Court of 19 June 2014.**

94. The State is fully committed to prevent misuse or abuse of the blasphemy law. The offense of blasphemy in Pakistan is non-discriminatory in nature as it deals with offences against all religions and applies to Muslims and non-Muslims alike. Independent judiciary, free media and vibrant civil society provide additional safeguards against misuse of the blasphemy law.

95. The Supreme Court decided in the case of murder of Salman Taseer, on 8th October 2015 to restore the death sentence awarded by Anti-Terrorism Court to Malik Mohammad Mumtaz Qadri. Blasphemy is “abhorrent and immoral,” the judgment said, “but at the same time a false allegation regarding commission of such an offence is equally detestable besides being culpable.” On 29 January 2019, Supreme Court of Pakistan upheld the acquittal on blasphemy charges handed down to Christian woman Asia Bibi. In the landmark decision, judges comprehensively referred to the relevant provisions of the law (Articles 4, 37 (d), 175(2) of the Constitution and section 28 of the CrPC) to ascertain authority of the State to decide blasphemy cases. The Supreme Court further referred to its judgment in Malik Muhammad Mumtaz Qadri vs. the State to clarify that the State is to ensure that innocent persons are not tried on false blasphemy charges. Therefore, these judgments reinforce that it is no justification for a civilian – or any individual not in the position of authority – to decide to take the law into his/her own hands and punish or kill the alleged offender. Blasphemy laws of Pakistan are contained in chapter XV of the PPC. Generally, the law is misunderstood that it only protects Muslims, but it equally protects all Pakistani communities against desecration of their places of worship including Churches, Imam bargahs (Congregation Halls for Shiite Muslims), Gurdawaras (places of worship for Sikhs) and mosques.

96. Various legislative, policy and administrative measures have been taken to check the misuse of blasphemy law. In pursuance of such aims, the Ministry of Interior has, with the approval of the Federal Cabinet, made amendments in the Federal Investigation (FIA) schedule wherein any complaint under section 295-A, 295-C, 298 and 298-A of Pakistan Penal Code (PPC) will fall within the purview of the FIA which will have the powers to check misuse of blasphemy cases parallel to the provincial police departments. Additional safeguards have been put in place to prevent the misuse of blasphemy laws through false accusations.

97. To protect the rights of citizens in Pakistan, the procedure has been amended and the preliminary inquiry in blasphemy cases is now carried out by the District Police Officer. Section 211 of PPC states that a person who intentionally initiates a false criminal case or puts false charges on any other person for an offence without any lawful ground shall be punished with imprisonment of 2 years, or fine or both. And he may also be imprisoned for 7 years and fine, if punishment for such falsely charged crime is death, imprisonment for life, or for 7 years or more.

98. The State of Pakistan ensures adequate security measures to judges hearing and deciding cases in respect of the blasphemy law. The State deploys adequate security personnel for the safety and protection of judges. Various decisions have been given by courts in matters of blasphemy (examples include the Asia Bibi case and Mumtaz Qadri verdict) without fear of any untoward consequences, hence, enabling them to decide matters fairly as per law.

99. Just like any other offender, a person accused of violation of Blasphemy Law undergoes a trial before the Court of law. There is also an effective process of appeal in case of conviction under the Blasphemy Law. If any accused is convicted and awarded capital punishment by Court of Sessions, the same is required to be confirmed by two judges of the High Court otherwise it cannot be implemented. After the decision of the High Court, the convict has the remedy to appeal to the Supreme Court of Pakistan. If the apex Court upholds the verdict of the High Court, a mercy petition can be submitted to the President of Pakistan who under Article 45 of the Constitution can grant pardon, reprieve and remit the sentence.

100. The legislative framework contains comprehensive provisions to prevent any hate speech or hate crime towards religious minorities. The PPC defines penalties against perpetrators of human rights violations against minorities which include provisions such as Section 153(A), which criminalizes promotion of enmity between different groups, on the basis of race religion, language, caste or community; Section 505(2), which criminalizes publication of any material that may incite group differences; Section-295, which relates to injuring or defiling place of worship with intent to insult religion of any person; Section-295-A, which relates to malicious acts intended to outrage religious feelings of any class by insulting its religion beliefs; and Section-296, which relates to disturbing religious assembly.

101. The Government of Pakistan has taken various steps to eradicate elements of hate speech. As mentioned above, Section 153-A of Pakistan Penal Code (PPC) criminalizes incitement of violence based on religion or belief and provides penalty up to five years with fine. Section 99-A of Criminal Procedure Code (CrPC) provides a mechanism to forfeit any publication causing hatred in respect of religious feelings of a community. Courts generally take a very strict stance on instances involving hate speech. In *Suo Moto Case No. 7/2017* (*Suo Moto action regarding Islamabad-Rawalpindi Sit-in/Dharna*), the Supreme Court ruled that speech uttered by members of a religious political party at a sit-in protest Rawalpindi was tantamount to hate speech and the court gave various directions including that any person issuing an edict (fatwa) which harms another person or puts them in harm's way, should be punished under the applicable law and TV licensees and others who broadcast messages advocating or inciting commission of an offence should be proceeded against by PEMRA in accordance with law. In another case, the Islamabad High Court rejected an appeal against an order passed by PEMRA holding a media house guilty of hate speech.

102. Electronic media is regulated by the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance 2002, which was amended in 2007 to strengthen the regulatory regime. The Ordinance provides that all programs and advertisements shall not contain or encourage violence, terrorism, racial, ethnic or religious discrimination, hatred, pornography, or other material offensive to commonly accepted standards of decency. Furthermore, the PEMRA Code of Conduct for Media Broadcasters or Cable TV Operators, satellite TV channel, FM Radio restrict not to air any program which contains an abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race or caste, national, ethnic or linguistic origin, colour or religion or sect, sex, sexual orientation, age or mental or physical disability; Furthermore, under the PEMRA Ordinance, a Council of Complaints has been established to review and redress public/individual complaints against any licensee or individual received through a 24/7 toll free number 0800-73672.

103. The PEMRA Code of Conduct ensures that TV channels must ensure that hate speech by any of its employees or any guest in a programme is not aired; the licensee shall not relay allegations that fall within the spectrum of hate speech including calling someone anti-Pakistan, traitor, or anti-Islam; and if hate speech is spoken by or against any guest, the channel and its representative must stop the participant and remind him and the audience that no one has the authority to declare any other citizen as a Kafir/infidel or enemy of Pakistan, Islam or any other religion.

104. The National Action Plan (NAP) provided for steps for countering hate speech and extremist material, effective measures against religious persecution, registration and regulation of madrassas, ban on glorification of terrorism and terrorist organizations through print and electronic media. In jurisprudence, to ensure that religious sentiments of minorities are not offended, the Lahore High Court held that Director General, PEMRA should block content which may offend any religious minorities. Under the NAP, Provincial Governments have directed District Administrations to conduct vigilant searches to curb hate speech. Under the NAP, the Directorate General of Religious Education (DGRE) register religious Seminary (Madaris) and issue Certificate of Registration (CoR). Till 31st December, 2021, 29.5 percent of Madaris have been issued CoRs. The Total Madaris in the country are 34701, out of which 10228 applied for CoRs and 10221 have been issued CoRs.

105. The Prevention of Electronic Crimes Act (PECA) was promulgated in 2016 that provides a comprehensive legal framework on the online conduct of individuals/organizations in the virtual domain. The legislation not only introduced new offences but also gave increased investigative powers to law enforcement agencies. The Act highlights that due to the very technical nature of the new powers that necessary for effective investigation and prosecution of electronic crimes, law enforcement agencies should exercise their authority that is proportionate with the civil liberty protections afforded to citizens under the Constitution.

Steps taken by Federal and Provincial Governments for the Protection of Minorities

106. In KPK, Commissioners and Police department have been directed to show zero tolerance to hate speeches and material. The propagation of hate speech and incitement to violence through loudspeakers has been discouraged and strict action has been taken in different districts of the province. FIRs have been lodged for the aforesaid offence, perpetrators arrested and equipment seized. District Vigilance Committees have been constituted to monitor religious institutions. The KPK Protection of Communal Properties of Minority Community Act, 2014 and KPK Evacuee Trust Property (Management & Disposal) Act, 2014 were enacted to strengthen legal framework for the protection and promotion of rights of minorities. During Financial Year 2019-20 to 2021-22, a total of Rs. 125 Million were allocated for Renovation and Improvement of worship places of Minorities in KPK.

107. Directions have been issued to all concerned departments for taking prompt legal action in cases of violation of any of the rights guaranteed under the law or desecration of places of worship of minorities including registration of criminal cases against the suspects. In KPK the existing textbooks for Grade I-XII are already in compliance with the directives issued by the august Supreme Court of Pakistan. The existing textbooks in KPK have been developed keeping in view the standard of text book regarding compliance with culture and values so that the content (Text illustrations) is inclusive and is free from religious, sectarian, ethnic, regional, cultural, occupational and socio-economic biases and free from gender bias and promote positive images of girls and women. The text promotes harmony and peaceful co-existence through respect of diversity and tolerance and reflects democratic values, ethics and values of all segments of society and other societies.

108. The Government of Punjab has initiated a program to sensitize trainers involved in training of public officials on the issues of religious rights and freedom. Inter-faith harmony seminars are being arranged in Punjab and other provinces to raise awareness regarding religious rights and freedom. The Curriculum in Punjab has been revised systematically by making it coherent with aim of social and interfaith harmony. The Board responsible for curriculum development is a statutory body working independently with relevant guidance of the provincial government on important matters. Punjab School Education Department has introduced a supplementary study material that has been published and disseminated to

students titled “Lets study together” to eliminate elements of discrimination against religious minorities.

109. The Punjab Sound Systems (Regulation) Act, 2015 has been implemented strictly to curb and control hate speech. The Government of Punjab has reorganized the Provincial and District Interfaith Harmony Committees for creation of harmonious relations and tolerance among religious minorities. District Interfaith Harmony committees meet frequently to sensitize religious and social leaders about peaceful co-existence. The Government of the Punjab, Home Department is working to enforce the ban on hate material (u/s 99-A of CrPC) after receiving recommendations from Mutehida Ulema Board, Punjab. Similarly, several measures have been taken to implement Punjab Sound Systems (Regulation) Act, 2015. Ulema and Peace Committee at District Level and Tehsil level has already been constituted. Public awareness campaign has been launched through social media and mainstream media. Zero tolerance has been adopted for the violation of subject Act. From 2015 till 2022, 526 cases have been registered against the violators of the subject Act out of which 353 cases have been challan while 173 cases are under investigation.

110. The Sindh Sound System (Regulation) Act 2015 aims at the prevention of incitement to violence against persons based on religion or belief. It aims to identify, categorize, notify and provide full-fledged security to religious establishments and places. Under the Act, since 2017-2021, number of cases 1,646 has been registered and 1,778 accused were arrested. In order to protect and safeguard religious minorities, the Minorities Affairs Department of Sindh has constituted two Committees at Provincial and District level – the Provincial Committee is headed by the Minister for Minority Affairs and the District Committees are headed by Deputy Commissioner of concerned districts, respectively. The Government of Sindh, in order to provide security to minorities and their religious places, has installed CCTV cameras at all sensitive places and worship places of minorities. The Sindh Assembly has passed the resolution regarding inclusion of religious textbooks of Hindus in curriculum of Hindu minorities. The Sindh School Education Standards and Curriculum Act 2014 has been promulgated, which aims to enable all children to have a command of relevant knowledge, skills and human rights values necessary to reach their full potential.

111. The Religious Affairs & Interfaith Harmony Department of Balochistan has taken various steps after the devolution of this subject for uplifting the minorities in Baluchistan for promotion of interfaith harmony. The Home & Tribal Affairs Department, Government of Baluchistan provides security to the minorities in Balochistan and their religious places especially on worship days like every Sunday at the Church premises; religious events like Holy, Easter, Christmas etc.; festivals and functions; and on arrival of respective religious leaders of minorities. 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 part of daily lessons.

112. On 7 May 2019, the Federal Cabinet approved a uniform curriculum for all education institutions in the country, which includes 30,000 madrassahs (religious seminaries). The Syndicate of University of the Punjab in its meeting held on 14th February 2018 has approved inclusion of human rights and tolerance as a separate subject in BA/ B.Sc. compulsory course of Pakistan Studies/ Islamiat w.e.f. Academic session 2018. The Directorate General of Religious Education (DGRE) established by the Ministry of Federal Education in September 2019 has so far registered 5,000 seminaries across the country. The Ministry of Human Rights has also initiated Public Awareness Campaign on Human Rights Education and Sensitization under Action Plan for Human Rights, 2016 through Seminars as well as advertisements in print and electronic media. The campaign’s target is general public, civil society, researchers, academia, students, government functionaries and different segments of society.

113. The Honourable Supreme Court of Pakistan in its landmark judgment of 19th June, 2014 as a result of suo-moto proceedings under Article 184(3) of the Constitution initiated on a letter received from an NGO regarding an attack on a Church in Peshawar, clarified the applicability of this section that desecration of places of worship of minorities is also an offence under this section. It protects all Pakistani communities against desecration of their places of worship including Churches, Imam Bargahs, Gurdawaras and Mosques. Judgment of Supreme court of is being implemented in true letter and spirit and Federal and provincial government are taking all the necessary steps for protection of minorities. The Supreme Court

of Pakistan through order dated 08-01-2019 has constituted a Committee headed by Dr. Shoaib Suddle who has also been appointed as 'One Man Commission' to implement the decision.

114. Furthermore, the National Commission for Minorities has been constituted on 11-05-2020. According to the notification issued, the 12 members included two Muslims, three Hindus, three Christians, two Sikh and one each Parsi and Kalash. While there will be six ex-officio members of the commission including representatives of the ministries of interior, law and justice, human rights, federal education and professional training division (not below the rank of BS-20 officer), Council of Islamic Ideology (CII) chairman and Ministry of Religious Affairs and Interfaith Harmony secretary. The Commission shall be the independent body that will not only monitor the implementation of the rights of the minorities but also act in a quasi-judicial capacity to provide redress to the complaints received by the minorities. The Ministry of Religious Affairs and Interfaith Harmony has prepared a draft National Interfaith Harmony policy in consultation with stakeholders. The draft policy aims at strengthening peace, harmony, tolerance and religious pluralism among all segments of the society, and accepts diversity of the people living across the country for promoting religious pluralism, prosperity and inclusive society.

Right to privacy

Recommendation contained in paragraph 36

The State party should review its legislation on data collection and surveillance, in particular the Prevention of Electronic Crimes Act 2016, to bring it into line with its obligations under the Covenant. It should also establish independent oversight mechanisms for the implementation of the Act, including judicial review of surveillance activity; review its laws and practice of intelligence-sharing with foreign agencies to ensure its compliance with the Covenant; review all licensing requirements that impose obligations on network service providers to engage in communication surveillance, particularly in relation to indiscriminate data retention; and ensure that surveillance activities comply with the State party's obligations under the Covenant. It should further adopt a comprehensive data-protection law in line with international standards.

115. In August 2016, the government promulgated the Prevention of Electronic Crimes Act ('PECA'), 2016, which contains provisions related to digital data and stipulates civil and criminal sanctions for offences under this Act. These provisions are related to unauthorized access to digital information or information system, critical infrastructure, electronic forgery, unauthorized interception or use of identity information, etc. PECA is fully in line with the Constitution of Pakistan and fulfils obligations imposed by the ICCPR. Article 14 of the Constitution guarantees the right of privacy to every citizen. A detailed mechanism has been provided under section 39 of PECA to ensure an independent oversight mechanism on the implementation of the Act.

Freedom of expression

Recommendation contained in paragraph 38

The State party should decriminalize defamation, and ensure that imprisonment is never a punishment for defamation and that criminal laws are not improperly used against journalists and dissenting voices. It should also review its legal provisions relating to freedom of expression, including article 19 of the Constitution, the rules applicable under the Pakistan Electronic Media Regulatory Authority (Amendment) Act 2007 and the code of conduct for programmes and advertisements for broadcast media and distribution services, with a view to putting in place effective oversight mechanisms and procedural safeguards and bringing these provisions into line with article 19 of the Covenant. Furthermore, it should promptly and thoroughly investigate all reported cases of harassment, disappearance and killing of human rights defenders, bring the perpetrators to justice and intensify its efforts to ensure a safe and favourable environment for the work of journalists, lawyers and human rights defenders.

116. The Government is cognizant of the issues pertaining to media freedom, freedom of expression and civil society space. The Government considers media persons as partners in the endeavors to promote and protect human rights and fundamental freedoms. Pakistan has a vibrant media which enjoys great independence in its working. Article 19 of the constitution of Pakistan has provided freedom of press, expression and speech subject to few reasonable restrictions. In the Rules of Business, 1973, of the Government of Pakistan have given the responsibility to the Ministry of Information and Broadcasting to facilitate the development of media outfits. Government believes in free flow of information and freedom to report and does not believe in press advice and censorship. Government always welcomes the objective and healthy criticism from the media. Government expects self-regulation by the media and believes in persuasive approach to implement code of ethics and conduct. Press Council of Pakistan which oversees the media landscape for any violation of ethical values is a body consisting of members from the media and private sector. Liberal media policy of the government resulted in exponential growth of Newspapers, TV and Radio Channels in the private sector. Accordingly, the Government has been taking measures to provide them an enabling environment to carry out their important work.

117. The Protection of Journalists and Media Professionals Act, 2021 has recently been enacted. It attained presidential assent on 1st December, 2021. The Act is aimed at promotion, protection and ensuring the independence, impartiality, safety as well as freedom of expression of journalists and media professionals. The Act establishes legal and institutional framework to create conducive environment where journalists and media professionals can work with freedom of expression. The Rules-making on the Act are in process and other measures are also being taken to implement the Act.

118. A Ministerial Media Security Committee has been established with the mandate to suggest welfare measures to ensure safety of journalists and media persons. Provincial Governments have been taken on board to strengthen this arrangement. Punjab Government has notified all District Police Officers (Superintendent Police rank) to be the focal persons to ensure security of media persons. Furthermore, a new scheme (Life Insurance Policy for Media Persons) has been initiated for the welfare of the journalists. A hotline number (111-925-225) has been installed in Press Information Department so that journalists can inform the government about any potential threat to their life or security. A proposal for the Establishment of Endowment Fund to provide relief to the wounded and disabled journalists who have fallen victims of terrorism in the line of duty is also under consideration. All defamation and online harassment cases are registered at the Cyber Crime Wing of the FIA under PECA and promptly investigated in accordance with the due process safeguards, and fair trial guarantees, enshrined in the Constitution. Furthermore, the Cyber Crime Wing has also taken various initiatives to create awareness regarding online harassment and the remedies available.

Freedom of assembly and association

Recommendation contained in paragraph 40

The State party should review its legislation on the registration of international NGOs with a view to bringing it into line with article 22 of the Covenant.

119. In October 2015, the Government of Pakistan's Ministry of Interior (MoI) issued a notification titled 'Policy for Regulation of International Non-governmental Organizations (INGOs) in Pakistan,' in which it acknowledged the diverse contributions of INGOs to Pakistan's socio-economic development through a campaign focused on awareness-raising, social mobilization, infrastructure development, service delivery, training, research, and advocacy. Simultaneously, the Policy highlighted the need for accountability and transparency from all stakeholders to ensure good governance. This Policy regulates the registration, working, funding, monitoring, and other related aspects of INGOs' functioning in Pakistan. 151 INGOs have filed an application of registration, from which 94 have received approval and 19 are still under process.

120. Every INGO is being provided the opportunity to file representation and is being heard during the proceedings. Furthermore, opportunity to appeal has also been provided under the Policy.

Early marriage and forced marriage

Recommendation contained in paragraph 42

The State party should ensure that the minimum age for marriage is set at 18 years for both girls and boys; intensify its efforts to eradicate forced marriage and related harmful practices, including by carrying out prompt and effective investigations of all reported cases and prosecuting those responsible, if appropriate; and ensure that victims are provided with appropriate remedies and rehabilitation services.

121. Pakistan is in the process of harmonizing its laws so that the definition of a child shall mean any human being under the age of 18 years. In Sindh, the Child Marriage Restraint Act, 2013 sets the legal age of marriage at 18 years for both men and women. The Punjab Government has proposed the bill for amendment of the age of child marriage from 16 to 18 years – while the age has not been increased, stricter penalties have been imposed on those found guilty of marrying children under the age of 16 in order to curb child marriages. Training of nikkah khwans (i.e. marriage registrars) has been conducted in 21 districts of Punjab to prevent child marriage. The Government of Balochistan, Social Welfare Department has also prepared and presented the Bill of Early Child Marriage Prohibition, which is presently under discussion before the Provincial Assembly Balochistan, according to which a person below the age of 18 shall be considered a child.

122. Under the Dissolution of Muslim Marriages Act, 1939 a child having been given in marriage prior to the age of 16 may repudiate said marriage at any time before reaching 18 years of age and this would be a valid ground for a decree for dissolution of marriage. The Sindh Child Protection Authority also supports the prevention of marriage under the age of 18 and the right for protection in case they wish to leave the marriage. Furthermore, section 365-B was introduced in PPC which criminalized the act of kidnapping, abducting or inducing woman to compel for marriage. To protect women and girls from religious minorities against forced marriages, section 498 (b) of the PPC was introduced to address and criminalize forced marriages.

123. Pakistan is among the first States to propose a target to end child marriage by 2030 in discussions of the Open Working Group on the Sustainable Development Goals, a major inter-governmental process that helped to shape the next set of international development goals. In KP, legislation proposing to raise marriageable age of girls to 18 years has been drafted and forwarded for legal input of the Provincial Law Department and will then be forwarded for a final approval from the Provincial Cabinet. If passed, the legislation shall replace the outdated colonial-era Child Marriage Restraint Act, 1929. Ghag is a harmful

traditional practice in the KPK Province and a form of forced marriage. In 2013 the KPK Government enacted the legislation entitled, the KPK Elimination of Custom of Ghag Act 2013 to curb the practice. Under the Law, whoever uses Ghag to ask for a girl's hand in marriage (using any kind of social influence or force) would be punishable with imprisonment for a term, no less than three years, which may also be extended to seven years, and a fine. Forced marriage and other relevant harmful practices and giving a female in marriage or otherwise as Badla-e-Sulh, wanni or swara or any other custom or practice under any name is a serious offence now under The Criminal Law (Third Amendment) Act, 2011.

124. Recently, the National Judicial Policy Making Committee decided to establish specialized Child Rights Courts for the enforcement of the Juvenile Justice System Act, 2018 and other Child Protection Laws. Pilot courts are currently being established in Islamabad, Karachi (Sindh) and Quetta (Balochistan) whereas courts are already operational in Lahore (Punjab), Peshawar (KP), Mardan (KP) and Abbottabad (KP) and the goal is to expand such courts to every district in the country.

125. Eighty-five percent of the minorities in Sindh belong to the Hindu community. To curb forced conversion of Hindus and provide a platform for redress of their grievances, two bills are under consideration by the Sindh Assembly, including the Sindh Minorities Right Commission Bill, 2019 and the Criminal Law (Protection of Minorities) Bill, 2019. Sindh Government has passed the Sindh Hindu Marriage Act 2016 (amended in 2018), which shall facilitate Hindu community to solemnize their marriages in accordance with the Sindh Hindu Marriage Rules, 2019. The Child Marriage Restraint Act, 1929 will also help curb forced conversions. Sindh Human Rights Commission (SHRC) has taken various steps in dealing with the grievances of minority groups.

126. The State of Pakistan and its criminal justice system is vigilant in respect of forced conversions and marriages and if any individual case is reported by media or through aggrieved parties, institutional mechanisms and courts take the matter very seriously and conduct proper administrative and judicial enquiries to ensure justice.

Protection of children

Recommendation contained in paragraph 44

The State party should intensify its efforts to ensure that all children are registered at birth; identify children whose birth has not been registered and children without identity documents and register them; and raise awareness about the importance of birth registration. It should also take all measures necessary to put an end to child labour by rigorously enforcing the laws on child labour and strengthening labour inspection mechanisms.

127. In pursuance to its Constitutional provisions and international obligations, Pakistan recognizes the registration of children at birth as a fundamental right. The relevant government agencies/departments including National Database and Registration Authority (NADRA) and local union councils have initiated programs for the registration of children at birth. Child Registration Certificate (CRC) is a registration document used to register minors under the age of 18 years. NADRA has automated the registration process and it facilitates the process of acquiring Child Registration Certificates.

128. In the wake of the 18th Constitutional Amendment, the subject of minors and their registration has been devolved to the Provinces. The respective Provincial Local Government Departments are responsible for birth registration of children. In Punjab, the Local Government & Community Development Department (LGCDP) is responsible for birth registration. The Sindh Government, in rural communities, is using mobile phones to empower Lady Health Workers to register newborn children. UNICEF is extending technical support to the Government to achieve universal birth registration by 2024. The local government staff has been trained in Punjab, Sindh, Balochistan and KP on effective registration. UNICEF has assisted the government to build the capacity of local authorities and communities on digital birth registration in seven districts of Punjab, which includes providing training to Union Council (UC) Secretaries on the use of android-based mobile

phones and tablets for birth registration. The representatives visit families in their communities, using digital devices to enter data into the dashboard, which is verified by the UC Secretary, who then issues a registration number to the child and part of the process also involves informing and convincing parents about the importance of birth registration.

Child labour

129. The legal framework in Pakistan, including the Factories Act, Mines Act, Shops and Establishment Ordinance etc., prohibits 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.

130. As the responsible Ministry, the Ministry of Overseas Pakistanis & Human Resource Development has notified 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. Furthermore, Ministry of Human Rights has taken following initiatives to protect and promote rights of children: i) National Commission on the Rights of Child has been established under the National Commission on the Rights of the Child Act, 2017 which monitors the child rights' violations in the country. It also enquires into violation of child rights. Two child members (one girl & one boy) have been given representation in the Commission; ii) A Child Protection Institute has been established under Islamabad Capital Territory (ICT) Child Protection Act, 2018 which provides protection and care to the street/vulnerable children at ICT. Director General CPI has been appointed and the center is functional; iii) The Juvenile Justice System Act, 2018 has also been enacted which focuses on disposal of cases through diversion and social-reintegration of the child offenders; iv) The Zainab Alert, Response and Recovery Act, 2020 to raise alerts, response and recovery of missing and abducted children has been enacted. A Zainab Alert App has been launched and linked with the Prime Minister's Delivery Unit (Citizen Portal). The Zainab Alert, Response and Recovery Agency (ZARRA) has been established. The Director General ZARRA has been appointed and the ZARRA is now functional. The IEC Material have been developed and disseminated in various police stations at ICT level for creating awareness regarding the Act and ZARRA; v) Insertion of "Child Domestic Labour" in the list of occupations listed in Part-I of the Schedule of the Employment of Children's Act, 1991: The "Child Domestic Labour" has been inserted in the list of proscribed occupations in Part-I of the Schedule of the Employment of Children Act, 1991. Similarly, a notification was issued on July 30, 2020 in the Official Gazette of Pakistan with respect to the same. Consequently, child domestic labor has been banned in ICT; and vi) The Ministry of Human Rights has also developed an Interagency Protocol on Child Abuse in October 2019.

131. The Government of the Punjab has enacted the Punjab Restriction of Employment of Children Act, 2015 and the Prohibition of Child Labour at Brick Kilns Act, 2016. The provincial labour and Human Resource Department has set up a helpline (0800-55444) for lodging complaints about child labour at brick kilns. The prosecution under Punjab Prohibition of Child Labour at Brick Kiln Act, 2016 and Punjab Restriction of Employment of Children Act, 2016 were made by the Inspectors notified under the *ibid* Acts and a written complaint is made to the Police Department for registering the FIR and proper investigation of the case. Under the Punjab Prohibition of Child Labour at Brick Kiln Act, 2016, 7891 inspections were held from Jan to Nov 2020 and 469 FIRs were lodged against the violators out of which 180 were arrested. Similarly, under Punjab Restriction of Employment of Children Act, 2016, 34419 inspections were held from Jan to Nov 2020 and 1647 FIRs were lodged against the violators out of which 491 were arrested.

132. The Government of Sindh has enacted the Sindh Prohibition of Employment of Children Act, 2017. According to this law, 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. The Government of Sindh has established a Judicial Forum 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. The Sindh Government in collaboration with ILO has started a capacity building programme of NGOs, such as National Rural Support Programme through especially designed action programmes

to address worst forms of child labour in a pilot project in Sukkur district, which will be replicated in two more districts of the province. A Provincial Coordination Committee, headed by the Secretary Labour Department, including representatives of employers, workers, NGOs, education, social welfare, health and zakat departments, also monitors and works to prevent child labour in Sindh.

133. The Government of Khyber Pakhtunkhwa has enacted KPK Prohibition of Employment Children Act, 2015. The law bans engagement of children below the age of 14 years in employment. It provides for strict penalties for violators. In the administrative sphere, a Child Labour Unit has been established in the Directorate of Labour, KP which employs a dedicated team of inspectors on child labour. The Government of KPK has initiated a capacity building programme of NGOs. These NGOs are providing non-formal education, literacy and skills training to children involved in or at risk of worst forms of child labour with the aim to withdraw and prevent them from hazardous employment conditions. Their families are also being financially supported to enhance their income so that their children are allowed to attend formal education regularly. Moreover, Inspectors of the Department were notified under the Act to keep a vigilant check on the violations related to child labour. In 2021 alone, 9186 inspections were conducted under the Act as a result of which a fine of Rs 109,500 was imposed on 43 violators. It is pertinent to highlight that an exclusive unit "Child and Bounded Labour Unit" has been established to strengthen the inspectorate of Directorate of Labour. To ensure the rights of workers and facilitate them, Works Facilitation Desks were introduced in 15 districts. The complaints are being promptly tackled by the inspection team including complaints received via Citizen Portal and Social Media.

134. The Government of Balochistan has enacted the Balochistan Employment of Children (Prohibition & Regulation) Act, 2021. It provides for abolition of forced and bonded labour system in the Balochistan Province. Under this Act, Inspectors would be appointed to conduct inspections and ensure implementation of the Act. The steps are being taken by the government to implement the said Act.

Afghan refugees

Recommendation contained in paragraph 46

The State party should carry out the registration of undocumented Afghan refugees as planned. It should expedite the adoption of national refugee law in compliance with international human rights and humanitarian standards. It should also investigate all allegations of abuse against refugees by the police and security forces, while taking all measures necessary to prevent such abuses.

135. In Pakistan, more than 1.4 million Afghan refugees are registered and possess valid proof of registration (PoR) cards, which facilitates their free movement across the country and ensures their access to basic amenities and opportunities like employment, health care, education, water and other public services at par with Pakistani citizens. In 2018, under the Afghan Citizen Card project, around 84,000 previously undocumented refugees have been documented by the Government of Pakistan. Any instances of harassment or hostility, if reported, are immediately dealt with and mitigation measures are taken. Pakistan has never discriminated against Afghan refugee children in respect of provision of education and considers it imperative to invest in human capital. Despite challenges, the Government of Pakistan has generously encouraged and supported access of Afghan children to public and private education institutions. The Government of Pakistan is currently deliberating with the Government of Afghanistan to ensure the dignified return of Afghan refugees under the Afghanistan Pakistan Action Plan for Peace and Solidarity. Although Pakistan has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Government is dealing with Afghan refugees as per the non-refoulement principle of international law. Afghan refugees living in Pakistan are being dealt with in accordance with the national policy on management and repatriation, Tripartite Agreement, Solution Strategy for Afghan Refugees and Afghanistan Pakistan Action Plan for Peace and Solidarity. Afghan refugees have also been allowed to open and operate bank accounts.

Right to participate in public affairs

Recommendation contained in paragraph 48

The State party should review its regime of temporary special measures, including quotas for minorities, to ensure that they apply to all persons belonging to religious, cultural and ethnic minorities and ensure that every citizen, on general terms of equality, is able to effectively participate in the conduct of public affairs and have access to public services. The State party should improve the election system and procedures with a view to ensuring that all voters are included on electoral lists and that all citizens can exercise their right to vote without obstacles.

136. Pakistan has taken significant steps to increase the political participation of minorities. There are reserved seats for religious minority members in both the national and provincial assemblies. The National Assembly has 10 reserved seats out of a total of 336 seats for religious minorities. The Senate has four reserved seats for religious minorities out of a total of 96 seats, one from each province. In the provincial assemblies, there are three reserved seats for religious minorities in Khyber Pakhtunkhwa; eight in Punjab; nine in Sindh; and three in Balochistan. Political parties elected by the general electorate choose the minority individuals who hold these seats; they are not elected directly by the minority constituencies they represent.

137. In KP, the Establishment Department vide notification dated 2 August 2019 has increased the minority job quota from 03% to 5% for full participation of minorities in public services despite the fact that their population in the province is approximately 1%. Section 48 of the Elections Act, 2017 provides that the Election Commission of Pakistan (ECP) shall take special measures for the registration of non-Muslims, persons with disabilities and transgender citizens in the electoral rolls as voters in coordination with NADRA to expedite the issuance of National Identity Cards for non-Muslims, persons with disabilities and transgender citizens. The ECP is implementing the law in letter and spirit.

138. In the 2018 general elections, Mahesh Kumar Malani became the first Hindu to be directly elected to the National Assembly rather than on the basis of reserved seats. Another Hindu candidate, Hari Ram Kishori Lal, was directly elected to the Sindh Provincial Assembly in the general elections.

139. To enable the citizens of the State to exercise their right to vote without obstacles, the ECP provides a complaints procedure and during the General Elections, 2018 and the bye-election held afterwards, no complaint was filed by any individual stating that they were either not allowed or restrained from exercising their right to vote on the basis of being a religious minority or a marginalized group. In recent years, the election laws in Pakistan have been revised and various policies have been introduced to make the elections process more inclusive. In this regard, the ECP has included a module titled "Gender and Elections" in the capacity building trainings of ECP Officers so that a gender sensitized environment is created in ECP.

140. The Government has notified the National Commission for Minorities with extended terms of references. The Ministry of Religious Affairs and Interfaith Harmony is also preparing a National Interfaith Harmony Policy in consultation with stakeholders. Ministry of Human Rights is also giving special attention to the protection of rights of minorities under the National Action Plan to improve Human Rights situation in Pakistan. Further detail is cited above at Recommendation Paragraph 34.

141. The gender affairs wing of ECP has created a "Gender and Disability Electoral Working Group (GDEW)" with the aim of mainstreaming women and other marginalized group into the political process. This working group shall enlist the support of all stakeholders and organizations working in the field. In this regard, meetings at all four provincial headquarters have been conducted. Furthermore, a consortium of eight universities (two from each province) is being established to motivate youth and to engage them as agents for mobilizing women.