

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eighth periodic reports of States parties due in 1984

Addendum

PAKISTAN 1/

[27 July 1984]

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- I. Language usually spoken in households by province.
- II. List of tribal areas as defined in article 246 of the Constitution.
- III. President's messages on the occasion of several international solemn celebrations against racial discrimination.

1/ For previous reports submitted by the Government of Pakistan and the summary records of the meetings of the Committee at which the reports were considered, see:

Initial report - CERD/C/R.3/Add.10 and Add.42 (CERD/C/SR.35, SR.51, SR.56 and SR.58);

Second periodic report - CERD/C/R.30/Add.14 (CERD/C/SR.134);

Third periodic report - CERD/C/R.70/Add.8 (CERD/C/SR.191-SR.192);

Fourth periodic report - CERD/C/R.90/Add.22 (CERD/C/SR.322);

Fifth periodic report - CERD/C/20/Add.15 (CERD/C/SR.391);

Sixth periodic report - CERD/C/66/Add.10 (CERD/C/SR.484);

Seventh periodic report - CERD/C/91/Add.33 (CERD/C/SR.630-SR.631).

PART I - GENERAL

1. Pakistan came into existence as a result of the partition of India in 1947. Those areas where the majority of the inhabitants professed the Islamic faith were constituted as the sovereign State of Pakistan. A common adherence to Islamic ideology, one of whose fundamental tenets is the brotherhood and equality of man, irrespective of ethnic or racial origin, thus forms the basis of Pakistani nationhood. Racial discrimination is, therefore, not only unknown in the country but is anathema to the people of Pakistan when practised elsewhere in the world.

2. The principles of equality, tolerance and social justice, as enunciated by Islam, have been embodied in the Constitution of Pakistan. Its preamble enshrines the will of the people to establish an order in which adequate provision is made to safeguard the legitimate interests of minorities and backward and depressed classes and for the minorities freely to profess and practise their religions and develop their cultures. These principles have been given effect to in the subsequent provisions of the Constitution which set out the fundamental rights of the people and the principles of policy, which it is the responsibility of each organ and authority of the State to observe in performing its functions.

3. During the consideration of Pakistan's seventh periodic report, the members of the Committee expressed interest in detailed data on the ethnic composition of the country. The Government regrets, however, that it is unable to provide any further information of this nature as data on ethnic origin are not collected in the country's decennial census or otherwise. This is in itself a striking illustration of the non-existence of racial prejudice and testifies to the absence of any feeling of racial discrimination or exclusiveness in Pakistani society. This is not to deny the prevalence of a number of different languages in the various parts of the country or the existence of religious minorities.

4. The principal languages of Pakistan and the percentage of people speaking them are given in the table in annex I to the present report. As this table shows, Punjabi is the most common language spoken in 48.47 per cent of Pakistani households, followed by Pashto (13.14 per cent), Sindhi (11.77 per cent), Siraiki (9.83 per cent), Urdu (7.60 per cent), Baluchi (3.01 per cent), Hindko (2.43 per cent) and Brohi (1.20 per cent). The category of "others" consists of languages spoken by less than 3 per cent of the population.

5. Although Urdu is the mother tongue of a relatively small section of the population, it has been declared as the national language under the Constitution since it is understood in every region of the country, also by people who have other mother tongues. Urdu is also used as the medium of communication between persons who speak different regional languages. While Urdu enjoys the status of national language, the Government also gives every encouragement and support to the use, promotion and strengthening of the regional languages through various measures including the establishment of regional language academies in the provinces. Moreover, under article 28 of the Constitution, the right of any section of the citizens having a distinct language, script or culture to preserve and promote the same and subject to law, establish institutions for that purpose, has been guaranteed.

6. As some members of the Committee had expressed the wishes during the consideration of the seventh periodic report, to have more information on the various tribal groups in the country's list of the Tribal Areas, as defined in article 246 of the Constitution, the list has been given at Annex B. These

Tribal Areas are administered either by the Federal Government or by one of the Provincial Governments of Baluchistan and the North West Frontier Province, and are respectively called Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA). The tribal groups of Pakistan are mostly concentrated in these Tribal Areas.

7. The people of the Tribal Areas enjoy all the rights, protection and guarantees provided under the Constitution to the citizens of Pakistan against all forms of discrimination. In addition, adequate provision also exists in the Constitution to safeguard the interests of the tribesmen and to enable them to preserve their distinct customs and traditions. Article 247 (3) of the Constitution provides that no Act of Parliament applies to the Federally Administered Tribal Areas or to any part of these Areas unless the President so directs. The object of this provision is to ensure that the pattern of civil and criminal laws in these Areas and the personal laws of the tribesman are taken into due consideration when applying new legislative measures.

8. The population of the Tribal Areas as determined in the 1981 census (2,175,000) registered a fall of 12.69 per cent over the previous census of 1972 (2,491,000). The main reason for this decrease is that in the 1972 census the population data in the Tribal Areas were based mainly on estimates while in 1981 an individual counting system on standard forms was introduced and a door-to-door census was carried out.

9. The Government has been paying close attention to the economic, social and educational uplift of the Tribal Areas to bring them up to par with the adjoining districts. The States and Frontier Regions Division of the Federal Government, which administers FATA, has been making concerted efforts in order to accelerate the all-round development of these Areas.

10. The participation of tribesmen in the decision-making process is ensured through various constitutional provisions and legislative and administrative measures. The people of the Tribal Areas are given representation in the National and Provincial Assemblies on the basis of their population. Separate electoral laws have been framed for these areas keeping their special requirements in view. A special quota is reserved for the people of the Tribal Areas to ensure that they are adequately represented in the public services. In addition, the maximum age limit for entry into the public service is also higher for the Tribal Areas than for the rest of the country.

11. As regards the religions professed by the people of Pakistan, 96.68 per cent of the population adheres to Islam. According to the last census, held in 1981, the religious minorities, consisting of Christians, Hindus, Parsees, Buddhists, Qadianis, Sikhs and others, together constitutes 3.32 per cent of the population.

12. Special representation is given to the minorities in the various representative bodies. There are 11 members belonging to the religious minorities in the Federal Council. Minorities are also fully represented in the provincial councils. Similarly, seats are reserved for the religious minorities, in proportion to their numerical strength, in the local elective bodies.

13. A separate wing, called the Minorities Affairs Wing, has been established in the Ministry of Religious Affairs and Minorities Affairs to safeguard the rights of the religious minorities and promote their welfare. An advisor to the President, with the status of a Minister of State, who belongs to the minority community, looks after their affairs and advises the President on measures to be taken to promote their welfare and safeguard their rights.

14. An Advisory Council for Minorities Affairs with all its non-official members belonging to different minorities, is working under the auspices of the Ministry of Religious Affairs and Minorities Affairs. This Council meets periodically and advises the Government on the formulation of policies for the welfare of minorities.

15. In the Provincial Governments, senior officers have been appointed as co-ordinators for minorities. Minorities welfare work has been placed in charge of a Cabinet Minister in three of the four Provinces (North-West Frontier Province, Punjab and Sind) while in the fourth Province (Baluchistan), where there is no Cabinet, it has been entrusted to a senior official of the Government. District Minorities Committees are functioning at district level to look into the day-to-day problems of the minorities.

16. A Minorities Welfare Fund has been created by the Government to help poor members of the minority communities and special scholarships are allotted to them for their educational uplift.

17. As regards persons of Bangladesh origin, all those who applied to be moved from Pakistan to Bangladesh after 1971 have shifted to Bangladesh. This process was completed in 1974. Since then no one has applied to be moved to Bangladesh. As regards property left by non-Bengalis in Bangladesh, no agreement has yet been reached between the Governments of Pakistan and Bangladesh.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

18. The policy of eliminating racial discrimination and of promoting harmony between various groups of the population has been followed by every successive Government of Pakistan. Among the Principles of Policy which every organ and authority of the State is obliged, under the Constitution, to follow in performing its functions are the following:

- (a) The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens (article 33).
- (b) The State shall safeguard the legitimate rights and interests of minorities, including due representation in the Federal and Provincial services (article 36).
- (c) The State shall promote, with special care, the educational and economic interests of the backward classes or areas (article 37 (a)).
- (d) The State shall secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of the general interest and by ensuring equitable adjustment of rights between employers and employees and landlords and tenants (article 38 (a)).

Article 3

Pakistan's policies towards the racist minority regime of South Africa

19. Pakistan has always strongly condemned the policies of apartheid and racial segregation followed by the racist minority regime of Pretoria and regards these policies as a crime against humanity and a threat to international peace.

Pakistan has also joined whole-heartedly in the efforts of the international community to apply pressure on the Pretoria regime to compel it to desist from the continued oppression of the people of South Africa. In this regard, the following measures have been taken by the Government of Pakistan:

- (a) Pakistan has not established diplomatic relations with South Africa and will not do so as long as the Pretoria regime continues the policy of apartheid.
- (b) A complete ban has been imposed on trade with South Africa.
- (c) Pakistan does not grant landing and passage facilities to South African aircraft and has closed its ports to vessels flying the South African flag.
- (d) Pakistan has banned the sale of arms, ammunition, all types of military vehicles, equipment and material for the manufacture and maintenance of military goods and all other strategic goods to South Africa.
- (e) Pakistan has suspended all cultural, educational and sports exchanges with South Africa.
- (f) Pakistani news media give due coverage to the policies of apartheid and racial discrimination followed by South Africa.

20. Pakistan has also condemned the policy of "bantustanization" followed by South Africa and the recent imposition of a new racial constitution. In the United Nations, Pakistan has called for the imposition of comprehensive and mandatory sanctions against South Africa and urged all those countries which maintain links with the Pretoria regime to sever them and join the international community in its boycott of South Africa.

Support to the people of southern Africa

21. Pakistan has at all times extended its full support to the people of southern Africa in their struggle for national liberation and the establishment of a just society based on freedom and racial equality. In the United Nations, in the Organization of the Islamic Conference and in the Non-Aligned Movement, Pakistan has consistently urged the international community to take effective measures to assist the people of southern Africa to regain their legitimate rights which have been usurped by the Pretoria regime.

22. Pakistan has also extended all possible material assistance within its means to the people of southern Africa, for instance through regular contribution to the United Nations Trust Fund for South Africa and the United Nations Fund for Namibia.

23. As a token of its solidarity with the people of southern Africa and in order to mobilize public opinion in favour of the struggle of the people of southern Africa for independence and justice, the Government of Pakistan has also been regularly observing the following Days/Week:

- (a) International Day for the Elimination of Racial Discrimination, 21 March.
- (b) International Day of Solidarity with the Struggling People of South Africa, 16 June.

(c) Namibia Day, 26 August.

(d) Day of Solidarity with Political Prisoners of South Africa, 11 October.

(e) Week of Solidarity with the People of Namibia, commencing on 27 October.

Messages are issued by the President on all these occasions (see annex III) and special functions are organized throughout the country to pay tribute to the people of South Africa for the sacrifices made by them in their struggle for freedom and to affirm solidarity with them. Extensive coverage is given to these events in the news media.

Article 4

Punishments for Incitement of Racial Discrimination

24. Amendments were made in two sections (153 A and 505) of the Pakistan Penal Code in 1973 to make them specifically applicable to racial discrimination and to enhance the punishment that may be given for this offence. The amended section 153 A now specifically provides that inciting feelings of enmity on the basis of race or caste or organizing any movement to incite racial feelings is an offence. Section 505 was amended to make punishable by law circulation of any information or rumour or news likely to create enmity or hatred between different races or castes. It has not been considered necessary to take any fresh legislative measures to give effect to article 4 of the Convention.

Article 5

Guarantees of Equality Before the Law

25. Guarantees of equality before the Law of equal protection of the law are contained in articles 17, 24, 25, 26 and 27 of the Constitution. These articles (the texts of which were given in the sixth periodic report) can, under the Constitution, be invoked by any citizen before a Court of Law and any law or any custom or usage having the force of law, in so far as it is inconsistent with these articles, has been declared to be void to the extent of such inconsistency.

26. As regards the question of press censorship raised in connection with article 5 of the Convention, the Government is happy to inform the Committee that censorship has since been lifted from the press.

Annex I

LANGUAGE USUALLY SPOKEN IN HOUSEHOLDS BY PROVINCE
(1981 Population Census)

(In Per cent)

Province	Total	Languages								
		Urdu	Punjabi	Pushto	Sindhi	Baluchi	Brohi	Hindko	Siraiki	Others
PAKISTAN	100	7.60	48.17	13.14	11.77	3.01	1.20	2.43	9.83	2.81
N.W.F.P.	100	0.83	1.10	68.30	0.05	0.04	0.01	18.13	3.95	7.59
F.A.T.A.	100	0.01	0.10	99.70	0.05	0.01	0.00	0.02	0.00	0.09
PUNJAB	100	4.27	78.68	0.76	0.08	0.57	0.01	0.04	14.90	0.69
SIND	100	22.64	7.69	3.06	52.40	4.51	1.09	0.36	2.29	5.97
BALUCHISTAN	100	1.37	2.24	25.07	8.29	36.31	20.68	0.13	3.08	2.82
ISLAMABAD	100	11.23	81.72	4.16	0.18	0.16	0.01	0.60	0.10	1.83

Annex II

LIST OF TRIBAL AREAS AS DEFINED IN ARTICLE 246 OF THE CONSTITUTION

A. FEDERALLY ADMINISTERED TRIBAL AREAS

1. Tribal Areas, adjoining Peshawar district;
2. Tribal Areas adjoining Kohat district;
3. Tribal Areas adjoining Bannu district;
4. Tribal Areas adjoining Dera Ismail Khan district;
5. Hajaur Agency;
6. Orakzai Agency;
7. Mohmand Agency;
8. Khyber Agency;
9. Kurram Agency;
10. North Waziristan Agency; and
11. South Waziristan Agency.

B. PROVINCIALY ADMINISTERED TRIBAL AREAS OF NWFP

1. Chitral District;
2. Dir District;
3. Swat (which includes Kalam);
4. Tribal Area in Kohistan District;
5. Malakand Protected Area;
6. Tribal Areas adjoining Mansehra District
and the former State of Amb.

C. PROVINCIALY ADMINISTERED TRIBAL AREAS OF BALUCHISTAN

1. Zhob District;
2. Lorali District (excluding Duki Tehsil);
3. Dalbandin Tehsil of Chagai District;
4. Marri and Bugti tribal territories of
Sibi District.

Annex III

PRESIDENT'S MESSAGES ON THE OCCASION OF SEVERAL INTERNATIONAL
SOLEMN CELEBRATIONS AGAINST RACIAL DISCRIMINATION a/

- A. President's message on the occasion of the International Day for the Elimination of Racial Discrimination, 21 March 1982.
- B. President's message on the occasion of the International Day of Solidarity with the struggling people of South Africa, 16 June 1982.
- C. President's message on Namibia Day, 26 August 1982.
- D. President's message on the occasion of Solidarity with political prisoners of South Africa, 11 October 1982.
- E. President's message on the occasion of Solidarity with the people of Namibia, 27 October 1982.
- F. President's message on the occasion of the International Day for the Elimination of Racial Discrimination, 21 March 1983.
- G. President's message condemning the Pretoria regime on the execution of death sentences to three members of the African National Congress, 11 June 1983.
- H. President's message on Namibia Day, 26 August 1983.
- I. President's message on the occasion of the International Day of Solidarity with the struggling people of South Africa, 16 June 1983.
- J. President's message on the occasion of the Day of Solidarity with the Political Prisoners of South Africa, 11 October 1983.
- K. President's message to commemorate the Week of Solidarity with the people of Namibia, 27 October 1983.

a/ The texts of the above-mentioned messages are available in English in the files of the Secretariat for those members of the Committee who may wish to consult them.